

## SOME CHANGES AFTER 1947

### 1. Introduction

With the increased work following the impact of the 1947 Taft-Hartley amendments, the Division's staff of judges increased from 40 to 51 during the fiscal year ending June 30, 1950. 15 *NLRB Annual Report* at 13. (Perhaps it was this increased workload across the country that persuaded the Board to open a branch office for the judges in San Francisco about January 1951.) But 2 years later the staff of judges was "substantially reduced." 17 *NLRB Annual Report* at 5. Although no number is given there, earlier in the report, at page 1 footnote 1, the Board advises that "a cut in the agency's appropriation for fiscal 1952" resulted in a reduction in force (RIF) exceeding 19 percent. If the judges' share of that RIF was "just" 15 percent, that still would mean that at least 7 of the 51 judges were laid off, or left through attrition, thereby leaving a total of some 44 judges. As it happens, the earliest available Division roster, dated January 10, 1957, has the names of 45 judges. That list is reproduced in a moment.

The 1957 roster is complemented by another fairly early list, called here the LOS — that being the List of Separations. Before we turn to the LOS, however, let us cover a couple of concepts that we face in the coming lists. One concept involves the symbols used here in the process of deeming (approximating) EOD dates. The other concept involves the policy or practice the Division has followed in adjusting certain EOD dates. Because the symbol application process is explained later and in more detail in the Preface to the ABC List, the symbols are only summarized here. The purpose of a brief mention at this point is to assist in avoiding confusion as to their general meaning.

The second matter is the Division's policy or practice of adjusting EOD dates (in some instances, assigning brand new ones) when a judge serves twice in the Division. A general understanding of both concepts will assist in understanding the Division rosters that follow.

## 2. Applying Symbols and Adjusting EOD Dates

Several judges served twice in the Division. Thus, after transferring elsewhere in the Agency (such as to serve as Chief Counsel for a Board member) leaving for another Federal agency, or resigning and entering private practice, they later returned to the Division. Depending on which option one of these judges took, the Division's practice responded differently, and different symbols are applied in this paper. For those judges who left during World War 2 for a couple of years or so, or who served in some national defense capacity other than the military, it appears that they generally were treated, at least as to the seniority of their original EOD date, as returning military veterans. That is, it appears that on their return to the Division they received their original EOD dates. Evidence of this national defense service, to the extent such is available for this paper, is reflected by notations in the LOS and on the January 10, 1957 roster. Both such documents are reproduced later in this paper. Generally, no symbols are used to mark the EOD dates of military veterans, or for those treated, concerning seniority, as military veterans.

[Chief Judge Giannasi cautions that EOD dates from the early years, as reflected on the roster of January 10, 1957 (reproduced in a few pages), in some instances may give credit when the person, according to information in the files, was serving as an associate attorney before his promotion to the position of Trial Examiner. Respecting those judges who, especially in the early years, left the Division and later returned, although an attempt has been made to document these situations, and the LOS does so as to some, it is possible that others have been missed.]

As explained in more detail in the Preface to the ABC List, the symbols applied in this paper to various EOD dates are as follows:

### *a. Symbol 1*

Of the symbols used, this symbol 1 is applied the most, and most of the judges so designated are among the early judges, especially during the late 1930s. (Readers wanting to see how this is reflected in print may want to take a quick look at the first 50 or so names on the Unified EOD List, the final list in this paper.) The deeming process has to be used because there simply are no surviving rosters dating from the early years. Symbol 1 is used to reflect the approximate original EOD date as determined by the "deeming" process. Certainly for the early years, the "deeming" process generally refers to the process of inspecting the published decisions in the Board's bound volumes.

### *b. Symbol 2*

The symbol 2 marking an EOD date indicates a judge who has an original Division-assigned EOD date, who left the Division to serve elsewhere

in the Agency, and who later returned to the Division. As we see in the examples when this topic is covered in the Preface to the ABC List, the Division adjusts (moves up) the EOD dates of these judges so that such EOD dates reflect only Division seniority. Stated differently, it appears that the Division calculates the Division service before the departure, and then counts back from the return date a time period equal to the prior Division service. The date thereby arrived at becomes the adjusted EOD date.

As the primary focus in this paper is on the original EOD date, all adjusted EOD dates, and all brand new EOD dates (which are given as described below), are preceded by an “e” so as to indicate a later Division-assigned EOD date. An example from this category of adjusted EOD dates is Judge Ralph Winkler.

*c. Symbol 3*

The symbol 3 marking an EOD date indicates a judge: (1) whose original EOD date is deemed; (2) who left the Division to serve elsewhere in the Agency; and (3) who later returned to the Division. An example of this category is Judge Stephen S. Bean.

*d. Symbol 4*

If the original EOD date is later modified (such as by a mistake in application of policy or practice) by the Division on a subsequent roster, but then restored on a later roster, and so left restored on the last roster on which the judge’s name appears, then the original EOD date is marked with the symbol ≠ to indicate this category. One judge (perhaps the only one) fitting this category is Judge James H. Hemingway, EOD 2-1-1943≠.

*e. Symbol 5*

If a judge left the Agency to enter private practice, or for another Federal agency, then on his return he generally has received a new EOD date matching his return date. An example of this category is Judge Robert L. Piper.

*f. Symbol 6*

For fewer than a handful of judges, the only available record of their EOD date is a copy of the Board's press release, other published announcement, or Division record, that such persons had been appointed as NLRB judges. Sometimes the actual EOD date may predate the announcement by several weeks. The choice made for the List of Judges has been to specify the first day, ordinarily, of the month in which the announcement was published as the deemed EOD date. This small group is assigned its own symbol of ⑥ rather than a ① to reflect its separate category. For example, a Board press release dated October 11, 1979, announced the appointment of C. Dale Stout as an Administrative Law Judge to be stationed in the Washington office. Therefore,

Judge Stout is assigned the deemed EOD date of 10-01-1979, and that deemed date is marked with the symbol ⑥. As Chief Judge Davidson (retired) recalls, Judge Stout died soon after his arrival at the Division.

*g. Symbol 7*

One judge fits in this category — James T. Rasbury. When data was being gathered early in the research for this paper, among the date gaps completed by the Division office, as described at the beginning of the paper under the section, **Acknowledgements**, was Judge Rasbury's EOD date, transmitted as 2-12-1957. It appears that the year should be "1959," for the publication showing his first trial as a presiding judge had for its opening (and only) date — March 3, 1959, in the case of *Tallapoosa River Electric Cooperative*, 124 NLRB 474 (8-13-1959). It seems quite likely that Judge Rasbury arrived at the Division about 3 weeks or so earlier, on February 12.

When deeming dates for this paper, the policy, as mentioned several times, is to go back no further than the first day of the month in which the first trial was held for that judge. However, that policy is not applicable here because this paper is not deeming a date for Judge Rasbury. This paper is merely correcting what appears to be an error in recording, either on the original Division record, or in copying that EOD year to the Internet transmission of the data. Accordingly, Judge Rasbury's EOD date is shown on the ABC and the EOD lists as a Division assigned date, with the correction of the year indicated by the symbol ∠.

*h. Symbol 8*

One judge, David Karasick, fits this category which is reserved for judges who left the Division for some other position in the Agency and later returned, but at their return they received brand new EOD dates (as if they had left the Agency for private practice) rather than having their EOD dates adjusted to receive credit for prior service in the Division.

### 3. List of Separations (LOS)

The 27 names shown below appear on a List of Separations (LOS) during the stated period of 7-1-1949 through 11-15-1961. Unfortunately, while the date of separation is given, the EOD date for the Division is not shown. As other rosters show, some of these judges (Trial Examiners, or "TXs," as the judges were classified then) returned. Those named below separated from the Division for one of two reasons: (1) Resignation (transfers elsewhere in the Agency or to another agency appear to be shown on the LOS, with separations for other reasons, such as private practice, apparently included under the term, "Resignation"); or (2) Death (three judges died).

Although technically resigning from the Division, Judge Bean was appointed by President Eisenhower to the Board for a term beginning 12-1-1955. When Bean's service there ended, he was reinstated as a judge the next day, 8-28-1960.

A staff attorney at Region 2, New York, during much of the 1940s and 1950s (as shown by the reported cases), Judge "Rotolo" (his only name on the original of the LOS) is shown on the LOS as transferring to NLRB Region 24, Puerto Rico, on 9-11-1960. As Paul Harvey would say, see the "rest of the story" later at "Some Mysteries Solved," in the Preface to the ABC list. Judge Rotolo's full name is shown here and on the List of Judges with a deemed EOD date. [The lack of Judge Rotolo's full name, and the many EOD dates missing from the LOS, were among the primary motivations for the preparation of this paper.]

The second column, the EOD column, does not appear on the LOS itself. This column is added here as a result of the research for this paper, with five of the EOD dates being obtained by the research of Anna Marie Wehausen and Carletta Davidson (see Acknowledgments, above). As noted earlier, the symbol numbers and deeming process are summarized above, and described later in more detail in chapter 6, Preface to the ABC List. For the most part, EOD dates not marked by a symbol number were either on rosters or supplied by those checking Division records, and, in general, seem to be the original EOD date. All these names and EOD dates are included in the ABC list. For circumstances already summarized, for a few of the judges, in this paper an "e" precedes a secondary, and later, EOD date, the "e" denoting the Division-assigned EOD date. For these few judges, they left and later returned, and on their return the Division assigned them adjusted or new EOD dates. The primary EOD dates shown on the LOS below for Judges Bean and Piper are deemed. For Judge Silberman, his primary date of 4-27-1953, as shown below, is taken from the 1957 roster as a Division assigned (apparent) original EOD date.

The third column reflects the date of separation as shown in a column of that heading on the LOS.

The fourth column lists the reason given in the LOS itself for the separation. Although the LOS states that Judge Horace Ruckel was "reinstated" on August 2, 1961, that apparently simply means that he returned to the Division (possibly a transfer from another Federal agency, but more likely a return from the private sector). In any event, he was given a new EOD date of August 2, 1961, as shown on the roster dated May 1, 1965.

Although similar to Judge Ruckel's situation, the circumstances of Judge Irving Rogosin are a bit different. The LOS shows that he resigned on 6-9-1953. As he did not return by the November 15, 1961 closing date of the

LOS, there is no reference there to any “reinstatement.” However, on the roster of May 1, 1965, (Division wide; not separated into DC and San Francisco, and only last names listed), one “Rogosin” is shown with an EOD date of “1-14-64” (and such date is shown below with an “e” preceding it, that being the Division assigned EOD date). The next available seniority roster, dated June 30, 1970, while again giving only the last name (and this time separating the names as to the DC and San Francisco offices), gives us a bit more information in the form of the date of birth, that being “3.8.08” for Rogosin, who is listed with the San Francisco judges. He does not appear on the next roster, dated March 1981. In view of the 1908 date of birth for Judge Rogosin, making him almost 56 in January 1964, and in light of the fact that he simply may have retired about the time he reached the age of 65 in 1973 (or he possibly worked until he reached the then mandatory retirement age of 70 in March 1978), it seems very likely that this Judge “Rogosin” is the same person as Judge Irving Rogosin whose deemed EOD date for this paper is June 1, 1944, and that is the conclusion adopted for the purposes of this paper.

A brief note here about the former mandatory retirement age of 70 (or until the employee, after age 70, had accumulated 15 years of service) for Federal employees. That requirement was set forth in 5 USC §8335. (See 1976 edition at p. 649.) By the 1978 amendments to the Age Discrimination in Employment Act of 1967, the provision for mandatory retirement at age 70 was repealed (others, such as an age limit for air traffic controllers, were left or modified), effective September 30, 1978. 29 U.S.C. §.633(a). See the note, following § 633(a), “Effective Date of 1978 Amendment.” (2000 ed. at 149, 151.) Thus, it appears that Judge Rogosin possibly was forced to retire that spring of 1978, for the mandatory age requirement still applied at that time, although it had only a few more months to exist. In some circumstances, an employee could receive a 1-year extension of the mandatory retirement age of 70.

A few corrections are made here. On the LOS itself, Judge Campbell’s middle initial is shown as a “B,” but in the reported decisions it always is rendered as a “D.” The latter is adopted for this paper. The same situation applies to Judge Vickery, whose middle initial is shown on the LOS as “B,” but here it is the “A” reflected in the reported decisions. Judge Bertram G. Eadie’s given name is spelled here as reflected in the published decisions rather than the rendering shown on the LOS. On the LOS Judge Parkes is not a “2<sup>nd</sup>” as given in the reported decisions. The latter version is the one rendered here.

Finally, recall that during the FY ending June 30, 1950, the number of the Division’s judges was increased from 40 to 51. 15 *NLRB AR* at 13. Fate is fickle, however, and as a result of a reduced appropriation for the Agency for fiscal 1952 (FY ending June 30, 1952), the Agency reduced its staff that year by over 19 percent. 17 *NLRB AR* at 1. Thus, “The size of the Board’s staff of

trial examiners was reduced substantially during fiscal 1952.” 17 *NLRB AR* at 5. Although that could have meant a loss of as many as 8 to 10 judges, it appears from the LOS that the Division did not lose that many judges. As can be seen from the LOS, during that FY ending June 30, 1952, one judge resigned (Hamilton) and three others (Greenberg, Lewis, and MacCullen) transferred to other Federal agencies. Additionally, the roster of January 1957, reproduced in a moment, reflects that Judge James R. Hemingway transferred in January 1952 (returning in September of the same year). This makes a total of five judges that the Division lost (one, Hemingway, only temporarily) in fiscal 1952.

<u>NAME</u>	<u>EOD DATE</u>	<u>DATE OF SEPARATION</u>	<u>REASON</u>
1. Bean, Stephen S	2-1-1950⊔ e10-3-1954	11-30-1955	BdMem 12-1-55 thru 8-27-1960; reinstated as TX 8-28-1960.
2. Binder, Samuel	2-1-1953⊔	12-5-1953	Trsfrd to FPC
3. Campbell, Myers D.	9-1-1948⊔	3-2-1950	Trsfrd to FSA, (Fed. Security Agency)
4. Corcoran, James A.	10-27-1952	5-31-1958	Resigned
5. Dalby, Dent D.	12-19-1952⊔	7-2-1953	To Dept Interior
6. Eadie, Bertram G.	3-1-1950⊔	2-10-1954	Resigned
7. Feiler, Sidney	7-10-1944	11-15-1959	To SEC
8. Ferguson, Charles	5-14-1948	4-16-1960	Resigned
9. Fitzpatrick, James J.	8-1-1938❶	1-22-1953	Died
10. Gardner, Hamilton	12-1-1948⊔	9-29-1951	Resigned
11. Greenberg, Isadore	4-1-1946⊔	7-08-1951	To WSB (Wage Stabilization Bd)
12. Hektoen, Josef L.	10-1-1939❶	11-15-1950	Died
13. Ivins, Richard N.	2-1-1953⊔	12-11-1953	To FPC
14. Kent, Henry J.	8-1-1938❶	1-15-1953	Died
15. Laughlin, Loren H.	7-1-1953⊔	7-31-1954	To FTC
16. Lewis, John	4-1-1948⊔	2-3-1952	To FTC
17. MacCullen, Allen	9-1-1949⊔	11-12-1951	To FSA
18. Ordman, Arnold	4-20-1959❷	6-9-1961	Resigned
19. Parkes, Frederic B. 2d	5-1-1945⊔	4-24-1954	Resigned
20. Piper, Robert L.	11-1-48≡ e5-30-1965	10-25-1955	To FTC
21. Rasbury, James	2-12-1959⊔	1-27-1961	Resigned
22. Rogosin, Irving	6-1-1944≡ e1-14-1964	6-9-1953	Resigned;

23. Rotolo, Vincent M.	4-1-1959❶	9-11-1960	To Region 24
24. Ruckel, Horace A.	8-1-1938❷ e8-2-1961	1-2-1954	Resigned; Reinstated 8-2-1961
25. Silberman, Herbert	4-27-1953≡ e1-14-1964	2-13-1960	Resigned
26. Vickery, Merritt A.	8-1-1948⊃	8-26-1949	Resigned
27. Ward, Peter F.	2-1-1938❶	5-31-1953	Resigned

#### 4. Reconstructed Roster of June 30, 1950

Based on the Agency's statement, 15 *NLRB AR* at 13, that as of June 30, 1951, the Division had 51 judges, perhaps we can reconstruct that roster inasmuch as we also have the Division roster of January 10, 1957, to work from. (In the roster below, an "e" in front of an EOD date, as in the cases of Judges Bean, John Eadie, and Piper, is the EOD date assigned by the Division on a return to the Division. As we see in later lists, more data becomes available as to some of the judges on this reconstructed list.) An inspection of the reported cases in the bound volumes during the years around 1952, when compared with the Division roster of January 1957, and the data provided in the LOS, yields the following reconstructed roster (with Judge Ringer as the Chief Judge) of 51 judges as of June 30, 1950 (matching the number stated in the Board's annual report):

	<u>NAME</u>	<u>EOD DATE</u>	<u>NOTES FROM LOS</u>
1.	Asher, Sydney S. Jr.	12-27-1949	
2.	Bean, Stephen S.	2-1-1950⊃ e10-3-1954	BdM 12-1-1955; see LOS
3.	Bellman, Earl S.	2-1-1938	
4.	Bennett, Martin S.	10-7-1944	
5.	Best, Lee J.	3-1-1950	
6.	Bokat, George	2-1-1938	
7.	Buchanan, Lloyd	1-18-1950	
8.	Dixon, Eugene E.	8-12-1948	
9.	Doyle, David F.	2-27-1950	
10.	Downing, George A.	9-16-1948	
11.	Eadie, Bertram G.	3-1-1950⊃	Resigned 2-10-1954
12.	Eadie, John H.	9-25-1942≡ e11-25-43	
13.	Feiler, Sidney	7-10-1944	To SEC 11-15-1959
14.	Ferguson, Charles	5-14-1948	Resigned 4-16-1960
15.	Fitzpatrick, James J.	12-1-1937⊃	Died 1-22-1953



16.	Frey, Eugene F.	1-3-1950	
17.	Gardner, Hamilton	12-1-1948 $\supseteq$	Resigned 9-29-1951
18.	Goldman, Max M.	7-3-1944	
19.	Greenberg, Isadore	4-1-1946 $\supseteq$	To WSB 7-8-1951
20.	Hektoen, Josef L.	10-1-1939 $\supseteq$	Died 11-15-1950
21.	Hemingway, James R.	2-1-1943 $\neq$	
22.	Hilton, Reeves R.	12-12-1949	
23.	Hunt, A. Bruce	3-18-1939	
24.	Kent, Henry J.	6-1-1937 $\supseteq$	Died 1-15-1953
25.	Leff, Arthur	5-13-1944	
26.	Lewis, John	4-1-1948 $\supseteq$	To FTC 2-3-1952
27.	Lindner, Sidney	9-21-1944	
28.	London, David	6-24-1948	
29.	MacCullen, Allen	9-1-1949 $\supseteq$	To FSA 11-12-1951
30.	Martin, Alba B.	1-4-1950	
31.	Marx, Herman	10-4-1948	
32.	Miller, Maurice M.	4-7-1945	
33.	Mullin, Robert E.	12-12-1949	
34.	Myers, Howard	8-1-1938	
35.	Parkes, Frederic B. 2d	5-1-1945	Resigned 4-24-1954
36.	Piper, Robert L.	11-1-1948 $\equiv$ e5-30-1965	To FTC 10-25-1955
37.	Plost, Louis	4-13-1944	
38.	Ringer, William R.	10-1-1937	
39.	Rogosin, Irving	6-1-1944 $\equiv$ e1-14-1964	Resigned 6-9-1953
40.	Royster, Wallace E.	3-5-1946	
41.	Ruckel, Horace A.	8-1-1938 $\equiv$ e8-2-1961	Resigned 1-2-1954 Reinstated 8-2-1961
42.	Ryan, W. Gerard	8-23-1948	
43.	Scharnikow, William F.	5-12-1945	
44.	Schneider, Charles W.	10-12-1942	
45.	Shaw, James A.	2-11-1946	
46.	Spencer, William E.	11-1-1941 $\bullet$ e5-1-1942	
47.	Ward, Peter F.	2-1-1938 $\supseteq$	Resigned 5-31-1953
48.	Wheatley, Albert P.	12-13-1949	
49.	Whittemore, Charles W.	8-1-1938	
50.	Wilson, Thomas S.	8-1-1938 $\equiv$ e2-1-1940	
51.	Winkler, Ralph	4-3-1950	

## 5. The Division Roster of January 10, 1957

In the original, this roster is divided first into nonveterans and then veterans, with a total of 45 names (22 in the first group, and 23 in the veterans group), all shown with last names only. Some personnel notes, as shown below, appear on the original list after seven of the names. The roster's two groups are listed by EOD date, starting with the names of those having the earlier EOD dates. Although prepared in early 1957, the roster does not list names under the separate offices of Washington and San Francisco. Judge Asher's given name is rendered here ("Sydney") as it usually appears in the bound volumes, and in later seniority lists, rather than as spelled ("Sidney") on the actual 1957 list.

For the purposes of this paper, the roster is shown as one list with the names in alphabetical order. Unlike lists that appear later in this paper, the EOD dates shown here are those appearing on the original because they correspond with the EOD dates shown later in the full ABC list of all judges.

Full names are shown here, and Judge Ringer was the Chief Judge. On the Division's original list, Judge Ringer's May 1937 per diem date is listed, followed (as a note) by his regular EOD date. Only the latter is shown here, leaving just six of the judges with the notes copied from the 1957 original. Following four of the names, symbol numbers are applied. Copied from the ABC List, such additions are, of course, unique to this paper. Summarized earlier, the number symbols are explained in the Preface to the ABC List.

	<u>NAME</u>	<u>EOD DATE</u>	<u>NOTES</u>
1.	Asher, Sydney S. Jr.	12-27-1949	
2.	Bellman, Earl S.	2-1-1938	
3.	Bennett, Martin S.	10-7-1944	
4.	Best, Lee J.	3-1-1950	
5.	Bokat, George	2-1-1938	
6.	Buchanan, Lloyd	1-18-1950	
7.	Corcoran, James A.	10-27-1952	
8.	Dixon, Eugene E.	8-12-1948	Sep. 4-27-51. Reinstated 8-11-1952.
9.	Doyle, David F.	2-27-1950	
10.	Downing, George A.	9-16-1948	
11.	Eadie, John H.	9-25-1942	Sep. 11-25-44. Re-emp. 2-11-46.
12.	Feiler, Sidney	7-10-1944	
13.	Ferguson, Charles	5-14-1948	
14.	Fischer, John C.	10-15-1952	
15.	Frey, Eugene F.	1-3-1950	

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|-----|---------------------------|--------------------------|----------------------------------------------------------------------------------------|
| 16. | Goldman, Max M.           | 7-3-1944                 |                                                                                        |
| 17. | Hemingway, James R.       | 2-1-1943≠                | Trans. Lit. 11-8-43. Back to TX 2-14-44. Trans. [to] WSB 1-16-52. Back to TX 9-2-1952. |
| 18. | Hilton, Reeves R.         | 12-12-1949               |                                                                                        |
| 19. | Hunt, A. Bruce            | 3-18-1939                | Trans. [to] WLB 5-7-43. Reinstated 4-1-46.                                             |
| 20. | Kessel, Thomas N.         | 4-15-1953                |                                                                                        |
| 21. | Leff, Arthur              | 5-13-1944                |                                                                                        |
| 22. | Libbin, Louis             | 4-20-1954                |                                                                                        |
| 23. | Lindner, Sidney           | 9-21-1944                |                                                                                        |
| 24. | London, David             | 6-24-1948                |                                                                                        |
| 25. | Martin, Alba B.           | 1-4-1950                 |                                                                                        |
| 26. | Marx, Herman              | 10-4-1948                |                                                                                        |
| 27. | Miller, Maurice M.        | 4-7-1945                 |                                                                                        |
| 28. | Mullin, Robert E.         | 12-12-1949               |                                                                                        |
| 29. | Myers, Howard             | 8-1-1938                 |                                                                                        |
| 30. | Plost, Louis              | 4-13-1944                |                                                                                        |
| 31. | Reyman, Arthur E.         | 1-21-1953                |                                                                                        |
| 32. | Ringer, William R.        | 10-1-1937                |                                                                                        |
| 33. | Royster, Wallace E.       | 3-5-1946                 |                                                                                        |
| 34. | Ryan, W. Gerard           | 8-23-1948                |                                                                                        |
| 35. | Sahm, Henry S.            | 1-26-1953                |                                                                                        |
| 36. | Scharnikow,<br>William F. | 5-12-1945                |                                                                                        |
| 37. | Schneider, Charles W.     | 10-12-1942               |                                                                                        |
| 38. | Shaw, James A.            | 2-11-1946                |                                                                                        |
| 39. | Silberman, Herbert        | 4-27-1953≡<br>e1-14-1964 |                                                                                        |
| 40. | Somers, A. Norman         | 9-27-1954                |                                                                                        |
| 41. | Spencer, William E.       | 11-1-1941•               |                                                                                        |
| 42. | Wheatley, Albert P.       | 12-13-1949               |                                                                                        |
| 43. | Whittemore,<br>Charles W. | 8-1-1938                 | Trans. [to] War Dept. 1-10-46. Re-appt. 2-28-47.                                       |

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|-----|-------------------|-----------|---------------------------------------------------------------------------------------|
| 44. | Wilson, Thomas S. | 8-1-1938= | Trans. OSS 3-4-43.<br>Re-emp.<br>9-14-45. Resigned<br>11-28-47.<br>Reinstated 5-2-49. |
|     |                   | e2-1-1940 |                                                                                       |
| 45. | Winkler, Ralph    | 4-3-1950  |                                                                                       |

## 6. The 1960s — Women and Minorities Join the Corps of Judges

Things changed again in the early 1960s. Thus, for the fiscal year ending June 30, 1960, “The Division of Trial Examiners reached its greatest strength, and for the first time in the agency’s history a woman trial examiner [Fannie M. Boyls] was appointed.” 25 *NLRB Annual Report* at 6. The May 29, 1961 roster of judges carries the names of 56 judges at Washington, and 9 at San Francisco, for a total of 65 judges. “Fiscal 1962 was the busiest year in the history of the National Labor Relations Board, ... .” 27 *NLRB Annual Report* at 1. By May 1, 1965, as reflected on a roster of that date, the Division’s strength had risen to 92 judges (not listed by office). And in his March 1969 oral history interview, Chief Judge Bokats reports that the current number of judges in the Division was 105. *Bokats* at 16, 70, 74.

In about June 1937, future Judge Fannie M. Boyls (EOD 4-25-1960) began her NLRB career researching legal issues for the General Counsel and his chief assistants. After a few months of that work, Boyls “drifted” into work in the old Review Section. In 1941, Boyls transferred to the Enforcement Division. *Boyls* at 2, 5. She was one of several female Review Section attorneys called to testify before the Smith Committee by the Committee’s general counsel, Edmund M. Toland. (Another was future NLRB Judge Anne E. Freeling (Schlezinger), EOD 6-7-1968.) *Reshaping* at 182 n. 47, 335. As Prof. Gross observes: “Toland’s anti-NLRB animus was flagrantly displayed in his examination of the Review Division attorneys.” *Id.* at 182. And, at page 183, Prof. Gross writes: “The women Review attorneys were treated rudely and disparagingly. Toland shouted at them and [Congressman Harry N.] Routzohn asked personally insulting questions.” Judge Boyls was a 1929 graduate of the University of Texas School of Law. She died February 14, 2002, at the age of 96. “In Memoriam,” *UTLaw*, Summer 2002, at 61.

When members of the Review Section, future Judges Boyls and Freeling (Schlezinger) attended the November 1938 Agency conference, mentioned earlier, held in Washington, DC. As identified by the supporting documents described earlier, zoom-in copies of the 1938 images of attendees Boyls and Freeling (Schlezinger) appear below:

November 15, 1938			November 15, 1938
Future NLRB Judge Fannie M. Boyls (EOD 4-25-1960)			Anne Freeling — future NLRB Judge Anne (Freeling) Schlezinger (EOD 6-7-1968)

In memory of Judge Boyls, perhaps when the women judges of today ascend the bench to preside in a case, they will recall that it was Judge Boyls who in January 1940, long before she was able to ascend the bench, suffered verbal abuse from the Smith Committee. (Future Judge Anne Freeling Schlezinger was another.) The description by Prof. Gross, *Reshaping* at 182-183, includes a portion of the remarks on the House floor by Congressman Clare Hoffman of Michigan, as abbreviated here, ridiculing the female Review Section lawyers:

Those girls who are acting as reviewing attorneys for the Board are fine young ladies. . . . but the chances are 99 out of 100 that none of them ever changed a diaper, hung a washing, or baked a loaf of bread. None of them has had any judicial or industrial experience to qualify her for the job they are trying to do, and yet here they are — after all — good looking, intelligent appearing as they may be, and well groomed all of them, writing the opinions on which the jobs of hundreds of thousands of men depend and upon which the success or failure of an industrial enterprise may depend and we stand for it. [Fn. symbol omitted.]

The first few female judges to arrive in the 1960s were, in EOD order, as follows (with the list extended to 1974 to show (now retired) Judge Robbins who, it so happens, is also African American:

**By EOD Date**

	<b><u>NAME</u></b>	<b><u>EOD</u></b>	<b><u>OFFICE</u></b>	<b><u>NOTE</u></b>
1.	Boyls, Fannie M.	04-25-1960	DC	
2.	Blake (Hulse), Rosanna A.	04-29-1962	DC	
3.	Klein, Josephine	01-17-1966	DC	
4.	Schlezinger, Anne E. (Freeling)	06-07-1968	DC	

5.	Sherman, Nancy	01-23-1972	DC	
6.	Stevenson, Almira	03-05-1972	DC	
	Sarrica (Goicoechea), Jennie	06-11-1972	DC	
7.	Robbins, Earldean V. S.	03-31-1974	SF	Deputy Chief

One more historical note about Anne E. Freeling, the future Judge Anne Freeling Schlezinger. The reported decisions reflect that she was a contemporary in the old Review Section with another attorney by the name of Julius Schlezinger. See the “of counsel to the Board” listings at 13 NLRB 672 (7-18-1939) (Freeling) and 13 NLRB 396 (6-28-1939) (Schlezinger). Judge Leonard Wagman (Retired) knew both, and confirms that the two did marry. On August 15, 1978, at just 68, Judge Schlezinger died of cancer. *The Washington Post*, August 18, 1978, at C13.

As of the publication of this paper, the number of women judges, past and present, has reached 20.

African-American judges also began arriving in the 1960s. There is no plan for this paper to create separate and continuing lists of different groups of judges. (The Agency’s newsletter, *All Aboard*, does a great job in that regard.) The focus of this paper is on the Division as a Corps of Judges. The only groups listed here are the separate office locations. Nevertheless, as this paper is about the history of the Corps of Judges (especially the early years), that purpose plus courtesy and mutual respect require that note be made here of when women and minority judges began arriving. As of today, the all-time list of African-American judges totals six, in EOD order as follows:

1.	Arthur Christopher Jr.	1-18-1965	DC	
2.	Gordon J. Myatt	1-16-1966	SF	
3.	Lloyd S. Greenidge	6-17-1968	DC	
4.	Elbert D. Gadsden	6-11-1973	DC	
5.	Earldean V.S. Robbins	3-31-1974	SF	Deputy Chief
6.	Earl Shamwell Jr.	1-19-1997	DC	

Hispanic judges began arriving at the Division in the person of Judge George Aleman (EOD 1-22-1995). He was followed by Judge Michael Rosas (EOD 8-25-2003), as reported in the October 2003 issue of *All Aboard* at 9. Judges Aleman and Rosas are stationed at the DC office.

## 7. The Division Roster of March 7, 1961

For the FY ending June 30, 1961, “The Division of Trial Examiners reached its greatest strength.” 26 *NLRB Annual Report* at 8. The Division’s March 7, 1961 roster (as well as the May 29, 1961 alphabetical roster) contains a total of 65 names, in the order of their EOD date. (The May 1961 roster has

only their service computation dates. The latter generally are not relevant here, except to help distinguish between two judges with the same surnames.) The May 1961 list is helpful by including (usually) the first names and middle initials of the judges. The May 1961 list also separates the 65 judges as between their two offices, one group being the 56 judges with the Washington office, and the other group being the 9 judges serving with the San Francisco office.

With four exceptions, the EOD dates shown here are those on the original as well as on the ABC List. The four exceptions are marked with symbol numbers. The number symbols are summarized earlier, and they are explained in the Preface to the ABC List. The primary EOD date shown for them is the original, deemed or otherwise, as reflected on the ABC List. The later Division-assigned EOD date is shown off to the right and preceded by an “e.”

A fifth name — that of Judge Arnold Ordman — has his EOD date marked by a symbol number, but with no trailing “e” EOD date. Although his EOD date is not shown on the original list, or here, as later adjusted by the Division, because this is the last roster (other than the May 1961 roster, not reproduced in this paper), on which Judge Ordman’s name appears, this brief explanation regarding his EOD date is in order. As is shown on the LOS, Judge Ordman “resigned” on June 9, 1961. In fact, he transferred to the Chairman’s office to become Chief Counsel for the new Board Chairman, Frank McCulloch. After a couple of years there he was appointed the General Counsel, serving two terms in that position. In the 1970s he returned to the Division, and later retired, both actions occurring between the roster of June 30, 1970, and that of March 1981. Hence, as to any roster, his original EOD date was never adjusted by the Division, and that explains why his original EOD date appears in this paper without any notation regarding any adjustment the Division may have done on personnel documents for the time that he was absent from the Division. Accordingly, his original EOD date is marked by the symbol •, but with no trailing “e” date.

This brief note regarding Judge Seagle. Recall that a few pages earlier, under the topic for the Reconstructed Roster of February 1940, it is there presumed that Judge Seagle, even though he last presided in July 1939, did not leave the Division until after his early 1940 testimony before the Smith Committee. He obviously returns to the Division in 1960, for he resumes presiding in May 1960. His new EOD date of 4-25-1960, as assigned by the Division, is reflected on the March 1961 roster. His primary EOD date is marked with the symbol ≡.

The 65 judges named on the March 7, 1961 Division roster are as follows, with Judge Ringer being the Chief Judge, and Judge Spencer being the Associate (or possibly the Deputy) Chief Judge in San Francisco.

**Washington, D.C. Office**

	<b><u>Name</u></b>	<b><u>EOD Date</u></b>	
1.	Asher, Sydney S. Jr.	12-27-1949	
2.	Bean, Stephen S.	2-1-1950	e10-3-1954
3.	Bellman, Earl S.	2-1-1938	
4.	Best, Lee J.	3-1-1950	
5.	Bisgyer, Paul	1-24-1960	
6.	Bokat, George	2-1-1938	
7.	Bott, George J.	2-1-1960	
8.	Boyls, Fannie M.	4-25-1960	
9.	Brown, William J.	5-2-1960	
10.	Buchanan, Lloyd	1-18-1950	
11.	Dixon, Eugene E.	8-12-1948	
12.	Donovan, Ramey	2-16-1959	
13.	Dorsey, John H.	1-11-1960	
14.	Downing, George A.	9-16-1948	
15.	Eadie, John H.	9-25-1942	e1-25-1944
16.	Fischer, John C.	10-15-1952	
17.	Foley, James F.	4-20-1959	
18.	Frey, Eugene F.	1-3-1950	
19.	Friedman, Morton D.	5-15-1960	
20.	Funke, John F.	4-16-1959	
21.	Gilbert, Stanley	4-25-1960	
22.	Gillis, Wellington A.	2-8-1960	
23.	Goldman, Max M.	7-3-1944	
24.	Hilton, Reeves R.	12-12-1949	
25.	Hunt, A. Bruce	3-18-1939	
26.	Kessel, Thomas N.	4-15-1953	
27.	Leff, Arthur	5-13-1944	
28.	Libbin, Louis	4-20-1954	
29.	Lightner, Leo F.	3-9-1959	
30.	Lindner, Sidney	9-21-1944	
31.	London, David	6-24-1948	
32.	Maher, Thomas F.	5-11-1959	
33.	Martin, Alba B.	1-4-1950	
34.	Mullin, Robert E.	12-12-1949	
35.	Ordman, Arnold	4-20-1959	●
36.	Plost, Louis	4-13-1944	



37.	Powell, George L.	2-11-1959	
38.	Reyman, Arthur E.	1-21-1953	
39.	Ricci, Thomas A.	6-15-1958	
40.	Ringer, William R.	10-1-1937	
41.	Ross, Samuel	6-15-1958	
42.	Ryan, W. Gerard	8-23-1948	
43.	Sahm, Henry S.	1-26-1953	
44.	Saunders, Phil W.	4-15-1959	
45.	Scharnikow, William F.	5-12-1945	
46.	Schneider, Charles W.	10-12-1942	
47.	Seagle, William	4-1-1937	e4-25-1960
48.	Shaw, James A.	2-11-1946	
49.	Sherman, Sidney	4-19-1960	
50.	Somers, A. Norman	9-27-1954	
51.	von Rohr, John P.	1-11-1960	
52.	Vose, Owsley	6-18-1959	
53.	Wheatley, Albert P.	12-13-1949	
54.	Whittemore, Charles W.	8-1-1938	
55.	Wilson, Thomas S.	8-1-1938	e2-1-1940
56.	Winkler, Ralph	4-3-1950	

### **San Francisco Office**

	<b><u>Name</u></b>	<b><u>EOD Date</u></b>	
1.	Bennett, Martin S.	10-07-1944	
2.	Doyle, David F.	2-27-1950	
3.	Hemingway, James R.	2-01-1943	
4.	Kennedy, Eugene K.	2-24-1959	
5.	Marx, Herman	10-4-1948	
6.	Miller, Maurice M.	4-7-1945	
7.	Myers, Howard	8-1-1938	
8.	Royster, Wallace E.	3-5-1946	
9.	Spencer, William E.	11-1-1941	e5-1-1942

### **8. The Division Roster of May 1, 1965**

The Division's May 1, 1965 roster has 92 names, listed by EOD date, the earliest date first, with both the DC and SF offices combined into one list of capitalized surnames only, followed by their EOD dates.

The first name on the actual list is that of Judge Ringer. His inclusion is something of a surprise, for the impression has been that Chief Judge William R. Ringer retired in late November 1961. (He does not appear on the next roster, which is dated June 30, 1970.) Thus, it is reported at 134 NLRB iii that

the (new) Chief Trial Examiner is George Bokar, and that, per footnote 1, he was “Appointed December 1, 1961, to succeed William R. Ringer.” Clerical error in typing Judge Ringer’s name in the usual spot even after he was gone? Did he take a medical leave? Did he reach the mandatory retirement age of 70 and have to retire at the end of the month in which he turned 70? (The March 1961 roster, which gives the birth dates, shows his birth date as 8-11-1898. Thus, he would not reach 70 until August 1968.) Did he encounter some kind of pressure to step down? Or did he simply tire of administration and prefer to preside a few more times before retiring?

Research in the bound volumes discloses that Judge Ringer did preside after stepping down from his position of Chief Trial Examiner — but only for two trials, one in January 1962, and the second in February 1962: 137 NLRB 216 (1962), and 141 NLRB 802 (1963). Retired Chief Judge David S. Davidson (EOD 4-19-1965) reports, during the research for this paper, that when he arrived at the Division, Judge Ringer was not there and that he apparently had been gone for a substantial period of time. Whatever the correct answer to the speculative questions posed above, for this paper it is assumed that Judge Ringer’s name appears on the 1965 list by some error. Accordingly, Judge Ringer’s name is not included among the names on the following list.

Turn now to the format here for the 1965 list. The 91 names (there are 92 in the original, counting Judge Ringer) are given here as usual for this paper, in their mostly full form, and presented in ABC order. Similar to the situation with the 1961 list, with nine (9) exceptions, the EOD dates shown below are the same as those on the May 1, 1965 list. For the nine exceptions, the primary EOD dates are marked with symbol numbers and followed by the “e,” or Division-adjusted EOD dates. Aside from the nine adjusted “e” dates, the other primary or original dates shown correspond to the dates reflected on the ABC List.

Regarding EOD dates, recall that Division policy generally appears to have been to adjust EOD dates so as to offset any absence at other positions in the Agency, and to assign new EOD dates matching the date of return for those who left the Agency. An exception to this latter seems to have been applied for those judges who, especially during World War 2, left for a couple of years or so to serve at such national defense-related agencies as the OSS and the WLB. And where reinstatement for national defense might not have been recognized on one list, such as this 1965 list, it may have been corrected on a later list, such as the 1970 list. Thus, it seems that the returning judges generally received, in this respect of seniority, the reemployment rights accorded returning military veterans.

Some notes here on a few of the EOD dates in the following 1965 list. Regarding the date for David F. Doyle, although the actual 1965 list shows his EOD date as “2-7-50,” both the 1957 and 1961 lists record it as “2-27-50,” and

the latter version is used here. First, the 1957 list, with fewer names, had less chance of a clerical mistake. Second, no correction was made in 1961. (Doyle was gone before the 1970 list.)

John H. Eadie's EOD date of 9-25-1942 is what is shown on the 1957 list. That list also shows that he apparently left the Agency for some 14 months, from late November 1944 to almost mid-February 1946. No destination federal agency is given. Had he entered private practice, under Division policy he apparently would have been assigned a new EOD date matching the date of his return to the Division. But if he actually went to another Federal agency, to serve in the war effort in some capacity, he normally would have suffered no loss of seniority, as others were not. If he transferred elsewhere in the Agency, he would have been given credit for his prior Division service by backing up an equivalent time from his return date to fix his new, and adjusted, EOD date.

Judge Eadie's absence was stated on the 1957 list, but no adjustment was made. (This is clear because his first trial opened on 11-2-1942, as reported at 47 NLRB 920, about 5 weeks after his arrival at the Division.) On the March 1961 list, his EOD date was adjusted and rendered as "1-25-44," an offset of 16 months. In the May 1965 list, this offset was changed to 14 months, which explains his new EOD date of "11-25-43," as given there. We do not have enough facts to know whether this offset was fully consistent with Division policy, particularly if his absence was to serve in the war effort in some capacity. In any event, however, his EOD date here is his original of 9-25-1942, marked by the symbol  $\equiv$  so as to show that the trailing "e" date has been assigned by the Division to adjust for his absence of 14 months.

Presiding only a few years, Judge Rosanna A. Blake (Hulse) appears on the May 1965 roster only, and there under the surname of "Hulse." In her decisions (IRs), however, she used the name of "Blake," perhaps her maiden name. See, for example, 140 NLRB 649 (1963) and 157 NLRB 1065 (1966). For the reproduction of the May 1965 list in this paper, Judge Blake is listed under the surname that she used in her reported decisions.

Judge David Karasick is shown in the below-version of the May 1965 roster with two EOD dates (the earlier one with the symbol  $\mid$ ). A brief sketch of at least some of his career with the Agency appears later in the **Preface** to the ABC List, in the subsection for Short Term Judges. Judge Karasick appears to have retired by the time of the June 1970 roster.

As is reflected in the notes column on the 1957 roster, reproduced earlier, Judge James R. Hemingway left the Division twice — once for 15 months during 1943-1944 to work in the Agency's Litigation Section, and again for over 7 months when he left the Agency, during the Korean War, to serve with the WSB. No adjustment was made to his EOD date on either the

1957 or March 1961 rosters because of these notations. On the 1965 roster, however, his EOD date was adjusted to read “9-16-43.” The June 1970 list restores his original date of “2-1-43.” As that is the Division’s last word respecting him, no “e” date is inserted here for him, although his original EOD date is marked with the symbol  $\neq$  to indicate that restoration.

Reflecting Division policy of assigning a brand new EOD date to a judge returning from outside the Agency (unless involved in national defense), Judge Irving Rogosin, deemed original EOD 6-1-1944, was assigned such a new date. Per the LOS, as reproduced earlier, he resigned from the Division on June 9, 1953. He apparently went into private practice. Had he transferred elsewhere in the Agency, or to another federal agency, that information apparently would have been shown as the LOS did for the others. When Judge Rogosin returned to the Division (first presiding in January 1964 — 153 NLRB 392), he was assigned the new EOD date of 1-14-1964, as shown by the May 1, 1965 roster. Thus, the new EOD date apparently matched his return date to the Division. But in this paper, and in the 1970 list that follows, Judge Rogosin receives his original EOD date, marked by the symbol  $\equiv$ , and the trailing “e” date that follows is the brand new 1964 date (unadjusted for his prior service with the Division) assigned by the Division when he returned.

On the Division’s actual 1965 and 1970 rosters, the EOD dates for Judge Arthur Leff and Judge Ralph Winkler (as Judge Winkler, in 1965, was serving as Board Member Gerald Brown’s Chief Counsel, he is not on the 1965 list) are advanced (as was done with Judge Bean’s EOD several years earlier). This apparently was done so as to offset the years that they were gone from the Division and serving as Chief Counsel at the Board: Judge Leff for Board Chairman Frank McCulloch; Judge Winkler for Board Member Gerald Brown. In that Chief Counsel position, Judge Leff succeeded Judge Arnold Ordman when Ordman was appointed, on 5-14-1963 to be the General Counsel (see 142 NLRB iii, fn. 1). On the 1965 list for this paper, Judge Leff’s original EOD date is shown, marked with the symbol  $\bullet$ , followed by the Division-adjusted EOD date, with the latter preceded by an “e.”

Judge William E. Spencer’s (original) EOD date is shown as 11-1-1941 on the January 10, 1957 and March 7, 1961 rosters, but 5-1-1942 on the May 1, 1965 list. Perhaps the 1942 date crept in by virtue of a clerical error. Or perhaps he left the Division to work elsewhere in the Agency for 6 months between the March 1961 and May 1965 lists. That seems unlikely at that late stage in his career. (He retired before the June 1970 roster.) Certainly, the 1942 date is suspect, to say the least. Regardless, in this paper, including the version of the 1965 list that follows, Judge Spencer receives his original EOD date, marked a  $\bullet$ , followed by the “e” date of 5-1-1942.

Finally, we have the situation of Judge Thomas S. Wilson. If readers will refer back to the January 1957 roster, you will see that Judge Wilson's original EOD is recorded there as 8-1-1938. (He began presiding in March 1938, as reported at 7 NLRB 38, but obviously benefited from the Board's policy change, effective August 1, 1938, to hire a substantial number of the per diem judges and thereafter to use only regular-staff judges.) Following that EOD date on the 1957 list are entries for over 2 years that he served with the OSS, from March 1943 to September 1945, and an entry showing that he "resigned" on 11-28-1947 and was "reinstated," some 17 months and 4 days later, on 5-2-1949. On the March 1961 and May 1965 rosters, Judge Wilson's EOD date is shown as "2-1-40," or an adjustment of 18 months from his original EOD date of 8-1-1938. However, on the June 30, 1970 Division roster, the last list on which Judge Wilson's name appears, his EOD date is back to the original 1938 date followed by the abbreviated note, "(Res. 2 yrs.)."

Does the "Res." mean "resigned" for 2 years? If so, that is off by several months. The Division's policy of usually assigning a new date at a judge's return to the Division following a resignation and term of private practice, apparently was not followed here. Instead, the Division appears to have applied the adjustment process normally employed in cases of judges returning after working elsewhere in the Agency. (This is, from the return date, subtracting the prior service of, here [with full credit for his national defense service], 9 years, 3 months, 38 days. Although that would seem to produce an adjusted EOD date of about 1-5-1940, the date assigned by the Division of 2-1-1940 is reasonably close and could reflect circumstances not known here.) In any event, for this paper, and in the list that follows, Judge Wilson receives his original EOD date followed by the "e" date of 2-1-1940, that being more specific than the 1970 list's rather cryptic modifier of the EOD date.

Before leaving Judge Wilson, it perhaps should be noted that five judges listed on the LOS left the Agency and later returned: Piper, Rasbury, Rogosin, Ruckel, and Silberman. We know from later rosters that all except Judge Rasbury received brand new Division-assigned EOD dates, and presumably he did also. The reason we do not know for sure respecting Judge Rasbury is that the dates of his return and eventual retirement or departure fell between the 1970 and 1981 rosters, and therefore he is not on any list available from the 1970s showing what new EOD he was assigned. Thus, the treatment of Judge Wilson's EOD date (adjusting his EOD date rather than assigning a brand new one) appears to be an aberration, or it may reflect factors not available in the research for this paper.

As noted above, the actual list combines the DC and SF offices into one May 1965 list. The nine names on the 1961 list as constituting the SF office are also among the names on this 1965 list. And some new names that are included here also appear as part of the SF contingent on the 1970 list that follows later.

(Beginning with this 1965 list, the Division no longer divides the rosters into veterans and nonveterans.) With the foregoing notes and qualifications, here is the Division's May 1, 1965 roster, but with (mostly) full names in ABC order:

**The Division Roster of May 1, 1965**

Name		EOD DATE
1.	Asher, Sydney S. Jr.	12-7-1949
2.	Barban, Sidney J.	1-18-1965
3.	Barker, James T.	10-2-1961
4.	Bennett, Martin S.	10-7-1944
5.	Best, Lee J.	3-1-1950
6.	Bisgyer,	1-24-1960
7.	Blake (Hulse), Roxanna A.	4-29-62
8.	Bokat, George	2-1-1938
9.	Bott, George J.	2-1-1960
10.	Boyls, Fannie M.	4-25-1960
11.	Brown, William J.	5-2-1960
12.	Buchanan, Lloyd	1-18-1950
13.	Bush, Maurice S.	1-4-1965
14.	Christopher, Arthur Jr.	1-18-1965
15.	Cohn, Robert	1-18-1965
16.	Constantine, James V.	10-2-1961
17.	Davidson, David S.	4-19-1965
18.	Dixon, Eugene E.	8-12-1948
19.	Donovan, Ramey	2-16-1959
20.	Downing, George A.	9-16-1948
21.	Doyle, David F.	2-27-1950
22.	Eadie, John H.	9-25-1942= e11-25-1943
23.	Fischer, John C.	10-15-1952
24.	Foley, James F.	4-20-1959
25.	Frey, Eugene F.	1-3-1950
26.	Friedman, Morton D.	5-15-1960
27.	Funke, John F.	4-16-1959
28.	Gilbert, Stanley	4-25-1960
29.	Gillis, Wellington A.	2-8-1960
30.	Goerlich, Lowell M.	4-19-1965
31.	Goldberg, Sidney D.	10-2-1961
32.	Goldman, Max M.	7-3-1944
33.	Hemingway, James R.	2-1-1943≠
34.	Hilton, Reeves R.	12-12-1949
35.	Hinkes, Harry R.	4-1-1965
36.	Hunt, A. Bruce	3-18-1939
37.	Kapell, William W.	5-24-1964
38.	Karasick, David	7-1-1943   e4-23-1962
39.	Kennedy, Eugene K.	2-24-1959
40.	Kessel, Thomas N.	4-15-1953
41.	Knapp, Laurence A.	12-10-1962
42.	Kuskin, Harry H.	4-15-1965
43.	Leedom, Boyd	1-5-1965

44.	Leff, Arthur	5-13-1944●	e4-16-1951
45.	Libbin, Louis	4-20-1954	
46.	Lightner, Leo F.	3-9-1959	
47.	Lindner, Sidney	9-21-1944	
48.	Lipton, Benjamin	9-26-1961	
49.	London, David	6-24-1948	
50.	Maher, Thomas F.	5-11-1959	
51.	Maller, Abraham H.	4-30-1962	
52.	Martin, Alba B.	1-4-1950	
53.	Marx, Herman	10-4-1948	
54.	Miller, Maurice M.	4-7-1945	
55.	Mullin, Robert E.	12-12-1949	
56.	Myers, Howard	8-1-1938	
57.	Nachman, Joseph I.	4-16-1962	
58.	Ohlbaum, Stanley N.	6-30-1963	
59.	Penfield, Louis S.	12-10-1962	
60.	Peterson, Ivar H.	12-3-1962	
61.	Powell, George L.	2-11-1959	
62.	Reel, Frederick U.	10-2-1961	
63.	Reyman, Arthur E.	1-21-1953	
64.	Ricci, Thomas A.	6-15-1958	
65.	Rogosin, Irving	6-1-1944≡	e1-14-1964
66.	Rosenberg, Max	1-14-1964	
67.	Ross, Samuel	6-15-1958	
68.	Royster, Wallace E.	3-5-1946	
69.	Ruckel, Horace A.	8-1-1938≡	e8-2-1961
70.	Ryan, W. Gerard	8-23-1948	
71.	Sahm, Henry S.	1-26-1953	
72.	Saunders, Phil W.	4-15-1959	
73.	Scharnikow, William F.	5-12-1945	
74.	Schneider, Charles W.	10-12-1942	
75.	Seagle, William	4-1-1937≡	e4-25-1960
76.	Shaw, James A.	2-11-1946	
77.	Sherman, Sidney	4-19-1960	
78.	Silberman, Herbert	4-27-1953≡	e1-14-1964
79.	Singer, Samuel M.	6-11-1962	
80.	Somers, A. Norman	9-27-1954	
81.	Spencer, William E.	11-1-1941●	e5-1-1942
82.	Stone, Jerry B.	5-1-1962	
83.	Summers, Harold X.	10-16-1961	
84.	Tocker, Herman	1-4-1965	
85.	von Rohr, John P.	1-11-1960	
86.	Vose, Owsley	6-18-1959	
87.	Webster, James R.	1-14-1964	
88.	Whittemore, Charles W.	8-1-1938	
89.	Wilson, E. Don	10-16-1961	
90.	Wilson, Thomas S.	8-1-1938≡	e2-1-1940
91.	Youngblood, W. Edwin	6-7-1962	

## 9. The Division Roster of June 30, 1970

As the Agency's case load increased during the 1960s, so did the number of the Division's judges. The 95 names on the Division's roster of June 30, 1970, appear in seniority order, surname only, and separated into the Washington (73 names) and San Francisco (22 names) offices. That several names are crossed through appears to be a reflection that the list was used for several years, with departures marked through, rather than typing a new list. (Since at least the early 1990s, the list consistently has been an alphabetical roster rather than a seniority listing.)

The trial docket was heavy during the 1970s and into the 1980s. Reaching very close to the Division's all-time high mark of about 120, the number of 117 judges is specified as the total for the Division in the Board's December 1, 1981 press release naming eight new judges. As the caseload has decreased in more recent years, so has the number of the Division's staff of judges. The January 17, 1983 Division Roster shows a staff of 112 judges — 61 at DC, 26 at San Francisco, 15 at New York, and 10 at Atlanta. In the 1980s, however, the trial docket began to shrink and we see the number of judges also declining.

The Division's June 30, 1970 roster is arranged by seniority of EOD date. As earlier discussed, seniority dates, even strict Division seniority, would be relevant to the working staff (claiming a favored window office, for example). For this paper, however, primary importance is placed on the original EOD date as a regular staff Division Judge. Even so, the penultimate list in this paper does place the judges under their office and by original, including deemed, EOD dates. Accordingly, in the arrangement that follows, the names are placed in alphabetical order. In 1970 the Chief Judge was George Bokar. Oddly, Judge Bokar's EOD date appears to be the date that he began on per diem status. The date he became regular staff is used here.

As with the previous Division rosters, the EOD dates shown are those on the original list with the exception of the six judges shown with adjusted EOD dates, as indicated by a trailing "e" date. Plus, Judge Hemingway (SF office) has a symbol marking by his EOD date, as discussed earlier at the 1965 list.

The names and dates of Judges Leff and Winkler are interlined in pen on the actual list, apparently because they returned to the Division after the June 30, 1970 list was prepared. Although the advancement of Judge Winkler's EOD date was mentioned earlier (and Judge Leff's discussed) in covering the 1965 list, a few details respecting the two (original and later-assigned) EOD dates for Judge Ralph Winkler will help illustrate the adjustment process. Both EOD dates for Judge Winkler are Division assigned dates. The first, 4-3-1950, appears on the Division rosters of January 1957 and



March 1961. Shortly after Gerald Brown was appointed on April 14, 1961, to begin a term as a Board Member, Judge Winkler left the Division to be Chief Counsel for Member Brown. See 131 NLRB at iii and fn. 1; *Winkler* at 2, 13-14; *Welles* at 42.

When Member Brown's second term expired August 27, 1971 (192 NLRB at iii, fn. 1), Judge Winkler returned to the Division. *Winkler* at 2. As this return occurred a bit over a year after the June 30, 1970 roster, it perhaps explains why Judge Winkler's name is interlined on the list in pen and there assigned the adjusted EOD date of 5-25-1960. The adjustment clearly is for the approximately 10 years that he was absent from the Division serving as Member Brown's Chief Counsel. Thus, on the 1970 list as reproduced here, Judge Winkler's EOD date is marked with the symbol •.

For the reasons discussed at the May 1965 roster, above, San Francisco Judge Thomas S. Wilson's EOD original date of 8-1-1938, marked by the symbol ≡, is not followed by the note, "(Res. 2 yrs.)," that appears on the actual 1970 list, but by the "e" date of 2-1-1940.

The point to be made here is that such matters of seniority, except in one instance, are not relevant to this paper's search for use of the original EOD date. The single situation in which Division seniority would be relevant here is that in which total Division time for judges is compared to determine who has served the longest with the Division. As noted earlier, Judge Marion Ladwig was honored at the Agency for achieving that distinction. Judge Ladwig never left the Division, until his retirement over 38 years after he arrived. However, the task of compiling a separate list for Division seniority has not been a goal of the research for this paper. Indeed, that effort perhaps would require access to personnel documents to confirm what only might be suggested from rosters and decisions in the bound volumes.

Finally, the Division's June 30, 1970 roster places the judges under either the Washington office (73 judges) or the San Francisco office (22 judges), with a total of 95 judges. The actual list interlines Judge Benjamin Lipton under the DC office, as well as including his name with the SF judges. The interline apparently was intended to correct the mistake of showing him with the SF office. Reports from other judges compel the conclusion that Judge Lipton was never with the SF office. In this paper his name is shown under the DC office. Of the judges listed, 16 names (of established judges) are crossed out on the actual list. Such strike-throughs appear to have been made after the judges retired, or otherwise left the Division, and are not an indication that the names were mistakenly included on the list.

The Division's Roster of June 30, 1970		
WASHINGTON, D.C. OFFICE		
1.	Asher, Sydney S. Jr.	12-27-1949
2.	Barban, Sidney J.	01-18-1965
3.	Bisgyer, Paul	01-24-1960
4.	Blackburn, Benjamin K.	06-07-1968
5.	Bokat, George	02-01-1938
6.	Bott, George J.	02-01-1960
7.	Boyls, Fannie M.	04-25-1960
8.	Brown, William J.	05-02-1960
9.	Buchanan, Lloyd	01-18-1950
10.	Bush, Maurice S.	01-04-1965
11.	Cohn, Robert	01-18-1965
12.	Constantine, James V.	10-02-1961
13.	Davidson, David S.	04-19-1965
14.	Dixon, Eugene E.	08-12-1948
15.	Donovan, Ramey	02-16-1959
16.	Dyer, John M.	02-28-1966
17.	Fitzpatrick, James L.	06-07-1968
18.	Foley, James F.	04-20-1959
19.	Frey, Eugene F.	01-03-1950
20.	Friedman, Morton D.	05-15-1960
21.	Funke, John F.	04-16-1959
22.	Gillis, Wellington A.	02-08-1960
23.	Goerlich, Lowell M.	04-19-1965
24.	Goldberg, Arthur M.	01-17-1966
25.	Goldberg, Sidney D.	10-02-1961
26.	Gregg, John G.	10-25-1965
27.	Greenidge, Lloyd	06-17-1968
28.	Hinkes, Harry R.	04-01-1965
29.	Jalette, Henry L.	06-07-1968
30.	Janus, Milton H.	01-17-1966
31.	Kapell, William W.	05-24-1964
32.	Kessel, Thomas N.	04-15-1953
33.	Klein, Josephine	01-17-1966
34.	Knapp, Laurence A.	12-10-1962
35.	Kuskin, Harry H.	04-15-1965
36.	Ladwig, Marion C.	01-17-1966
37.	Leff, Arthur	05-13-1944•
38.	Libbin, Louis	04-20-1954
39.	Lieberman, Alvin	01-17-1966
40.	Lipton, Benjamin	09-26-1961
41.	Maher, Thomas F.	05-11-1959
42.	Maller, Abraham H.	04-30-1962
43.	Mullin, Robert E.	12-12-1949
44.	Myatt, Gordon J.	01-17-1966
45.	Nachman, Joseph I.	04-16-1962
46.	Ohlbaum, Stanley N.	06-30-1963
47.	Peterson, Ivar H.	12-03-1962
48.	Plaine, Herzel H. E.	07-15-1965
49.	Pollack, Melvin	02-28-1966

e4-16-1951

50.	Powell, George L.	02-11-1959	
51.	Reel, Frederick U.	10-02-1961	
52.	Ricci, Thomas A.	06-15-1958	
53.	Rosenberg, Max	01-14-1964	
54.	Ross, Samuel	06-15-1958	
55.	Saunders, Phil W.	04-15-1959	
56.	Scharnikow, William F.	05-12-1945	
57.	Schlezingher, Anne (Freeling)	06-07-1968	
58.	Schneider, Charles W.	10-12-1942	
59.	Seff, Bernard J.	06-24-1968	
60.	Sherman, Sidney	04-19-1960	
61.	Silberman, Herbert	04-27-1953≡	e1-14-1964
62.	Singer, Samuel M.	06-11-1962	
63.	Somers, A. Norman	09-27-1954	
64.	Stone, Jerry B.	05-01-1962	
65.	Summers, Harold X.	10-16-1961	
66.	Theeman, Benjamin A.	05-31-1968	
67.	Turitz, George	02-28-1966	
68.	von Rohr, John P.	01-11-1960	
69.	Vose, Owsley	06-18-1959	
70.	Waks, Mickey	06-07-1968	
71.	Weil, Paul E.	01-17-1966	
72.	Wilson, E. Don	10-16-1961	
73.	Wilson, Thomas S.	08-01-1938≡	e2-1-1940
74.	Winkler, Ralph	04-03-1950•	e5-25-1960

## SAN FRANCISCO OFFICE

1.	Alexandre, Maurice	06-06-1966	
2.	Barker, James T.	10-02-1961	
3.	Bennett, Martin S.	10-07-1944	
4.	Christensen, George	02-28-1966	
5.	Corenman, Herman	06-17-1968	
6.	Davis, David E.	01-17-1966	
7.	Gilbert, Stanley	04-25-1960	
8.	Hemingway, James R.	02-01-1943≠	
9.	Kennedy, Eugene K.	02-24-1959	
10.	Lightner, Leo F.	03-09-1959	
11.	Marx, Herman	10-04-1948	
12.	Miller, Maurice M.	04-07-1945	
13.	O'Brien, George H.	06-17-1968	
14.	Penfield, Louis S.	12-10-1962	
15.	Piper, Robert L.	11-01-1948≡	e5-30-1965
16.	Rogosin, Irving	06-01-1944≡	e1-14-64
17.	Sahm, Henry S.	01-26-1953	
18.	Sinsheimer, Allen Jr.	02-23-1966	
19.	Taplitz, Richard D.	06-17-1968	
20.	Webster, James R.	01-14-1964	
21.	Wilson, E. Don	10-16-1961	

**NOTE**

Not all regular-staff judges who served at some point during the 1960s and 1970s are included on the forgoing rosters. This is so because their term of service in the Division began and ended between the dates of the closest rosters.

As noted much earlier in the Acknowledgements section, Anna Marie Wehausen, ably assisted by Carletta Davidson, found many of the missing names and included them for an early preliminary draft of this paper. Thus, names such as Judge Irving Herman (EOD 7-3-1972), who arrived after the 1970 roster, and left before the March 1981 list, set forth just below, are included on the ABC List as a result of their efforts in going through Division files.

One of the names on the ABC List belongs to a judge, Henry L. Segal (EOD 12-1-1971<sup>⊃</sup>), who arrived at the Division during these years, yet his EOD date is marked with the symbol **●**. This is to indicate that his presence was discovered as a result of the process of turning pages in the bound volumes of the Board's decisions.

On most of the bound volumes of Board decisions, listings for Agency officials are shown at page iii of each volume. Henry L. Segal is shown designated as Chief Counsel for Board Member John A. Penello, with the latter having been appointed, per footnote 1, on 2-22-1972. See 195 NLRB at iii. Presumably, Segal had been on the staff of one of the other Board members, and moved up to the Chief Counsel's position for Member Penello. Segal continued as Penello's Chief Counsel until Penello resigned 1-14-1981 (254 NLRB iii, fn. 1), remained listed even with Penello gone (256 NLRB iii), and retired 9-11-1981 (258 NLRB iii, fn. 1) still apparently on the staff of one of the remaining Board members.

It appears that Judge Segal presided at only one reported case, that case being reported at 202 NLRB 614 (3-21-1973) (trial opened 12-14-1971; JD issued 1-26-1972). In light of these circumstances, his EOD date is deemed to be December 1, 1972, and is marked with the symbol <sup>⊃</sup>. Thus, Judge Segal's service came between the roster of June 30, 1970 and the next available one, that being the one of March 1981.

**10. The Division Roster of March 1981**

The March 1981 roster reflects a tenure stability of the judges that is discussed later, under the topic for Turnover in the Early Years. Thus, this list is essentially that which appears on the actual list, including the EOD dates, although as reproduced here the names are mostly full and are in ABC order. Although several names are crossed out on the original, that appears to have been done later as the judges retired or otherwise left the Division. An example of the latter is Judge David McDonald's (SF) departure to become a Bankruptcy Judge.

Only one EOD date is shown on the original, as here, with notations, that being for Judge Myatt of the SF office. Note that his original EOD, of 1-16-1966 (a Sunday), is 1 day earlier than shown on the 1970 list. As Judge Myatt was returning, it appears, from service as a judge with the Department of Labor, personnel documents normally would show the transfer from another Federal agency as effective at the beginning of a pay period, which always falls

on a Sunday. His actual EOD date clearly would have been on Monday, January 17, as it was with several others who arrived that date, including Judge Marion Ladwig. [This is not to say that Division policy or practice always follows, or even usually follows, payroll data in fixing EOD dates. The impression here is that EOD dates are set by the Division as scheduled arrival dates, and should not be confused with payroll dates.] The arrangement on the original list of placing the new EOD date off to the side, as if informational, is a throwback to the 1957 list. In any event, consistent with the purpose of this paper, the EOD date remains here as on the original, 1-16-1966, marked with the symbol  $\equiv$ , with an “e” inserted here before what normally would be the new Division-assigned EOD date, that being 5-1-1977.

This note respecting the name spellings of two of the SF judges. Although not so on the original of the March 1981 roster, on all subsequent rosters Judge James Kennedy’s name is followed by the suffix, “III.” Note, however, that the suffix does not appear in Judge Kennedy’s decisions, as may be seen in cases such as the one reported at 337 NLRB 887 (2002). It is the same person. Similarly, Judge Joan Wieder’s name is misspelled on some of the rosters, including the original of this 1981 roster, as “Weider.” Other rosters conform to the way all her decisions (such as 330 NLRB 1409 (2000)) spell her name, that being “Wieder,” the rendition used in this paper.

On the actual March 1981 roster, only the surnames are given (their full names are shown here). On the actual 1983 alphabetical roster (although only the new arrivals are listed below for the 1983 list), apparent full names are given. On the actual 1983 roster Judge O’Meara’s full name is listed as: Joseph J. O’Meara Jr. But in his decisions, such as the one at 261 NLRB 888 (1982), his name is rendered as James J. O’Meara Jr. Similarly, on the actual 1983 rosters, and other subsequent actual rosters, the name of Judge Stephen J. Gross is listed without the middle initial that he used in his decisions. Likewise, on all the rosters the name of Judge Wallace H. Nations appears with the middle initial of “A” rather than the “H” that he uses in his decisions. For Judges O’Meara, Gross, and Nations, their names are rendered in this paper as they appear in their decisions. Notations such as this are made here simply to aid in identification clarification that might prove helpful in future years.

At the New York office, a note on the actual list, following Judge Arthur Herman’s name and EOD date, is not reproduced. It states, “(Previous 29-day ALJ stint with DC.)” It is assumed here that such note is merely informational, and that the EOD date shown is the date he arrived at the Division, and not a suggestion that his EOD date is misstated by 29 days. Indeed, the lists in this paper reflect Division seniority (and original EOD date), not Branch Office seniority. Judge Thomas Trunkes’ May 1981 arrival at the NY office is actually anticipated, for the list predates his presence there. The list, with a total of 111 named judges and EOD dates, follows:

The Division's Roster of March 1981		
WASHINGTON, D.C. OFFICE		
1.	Barban, Sidney J.	01-18-1965
2.	Benard, Mary E.	11-23-1980
3.	Bernard, Harold Jr.	04-08-1979
4.	Bracken, Thomas E.	01-06-1975
5.	Buschmann, Karl	09-28-1975
6.	Cohn, Robert	01-18-1965
7.	Davidson, David S.	04-19-1965
8.	Denison, Richard L.	03-25-1974
9.	Donnelly, Peter E.	05-01-1974
10.	Dyer, John M.	02-28-1966
11.	Evans, David L.	07-30-1978
12.	Fitzpatrick, James L.	06-07-1968
13.	Gadsden, Elbert D.	06-11-1973
14.	Gershuny, William	06-13-1980
15.	Giannasi, Robert A.	05-02-1976
16.	Goerlich, Lowell M.	04-19-1965
17.	Gross, Stephen J. J.	05-20-1979
18.	Harmatz, Joel A.	02-12-1973
19.	Holley, Donald R.	11-21-1976
20.	Itkin, Frank H.	11-29-1971
21.	Jacobs, William	10-05-1975
22.	Jalette, Henry L.	06-07-1968
23.	Johnston, Thomas	11-29-1971
24.	Kaplan, Irwin	01-16-1977
25.	King, Russell Jr.	08-31-1975
26.	Ladwig, Marion C.	01-17-1966
27.	Leiner, Robert	10-05-1975
28.	Lott, Hubert E.	11-16-1980
29.	Maloney, Walter H. Jr.	02-26-1973
30.	McInerney, George	07-03-1977
31.	Miller, John C.	07-03-1977
32.	Miller, Michael O.	01-05-1975
33.	Nasdor, Bruce	04-10-1977
34.	Nations, Wallace H.	01-18-1981
35.	Norman, George	12-19-1976
36.	Ohlbaum, Stanley N.	06-30-1963
37.	O'Meara, James J. Jr.	01-18-1981
38.	Pacht, Arline	05-04-1980
39.	Plaine, Herzel H. E.	07-15-1965
40.	Ricci, Thomas A.	06-15-1958
41.	Ries, Bernard	11-18-1974
42.	Romano, Robert G.	01-02-1977
43.	Rose, James L.	10-05-1975
44.	Roth, Marvin	03-02-1975
45.	Saunders, Phil W.	04-15-1959
46.	Schlesinger, Benjamin	07-18-1978
47.	Schwarzbart, Robert	03-16-1975

48.	Scully, Richard A.	01-18-1981	Chief Judge
49.	Sherman, Nancy	01-23-1972	
50.	Socoloff, Irwin H.	05-02-1976	
51.	Stevenson, Almira	03-05-1972	
52.	Stone, Jerry B.	05-01-1962	
53.	Wagman, Leonard M.	02-12-1973	
54.	Wallace, Robert T.	01-18-1981	
55.	Welles, Melvin J.	07-12-1970	
56.	West, John H.	01-18-1981	
57.	Wilks, Thomas R.	02-01-1976	
58.	Williamson, Charles M.	10-14-1979	
59.	Wolfe, Claude R.	06-20-1976	
60.	Youngblood, James T.	10-13-1975	
61.	Zankel, Norman	01-16-1977	
SAN FRANCISCO OFFICE			
1.	Anderson, Clifford H.	01-02-1980	Left Div. 1-20-1973; returned e5-1-1977
2.	Barker, James T.	10-02-1961	
3.	Bennett, Martin S.	10-07-1944	
4.	Boyce, Richard J.	03-04-1973	
5.	Christensen, George	02-28-1966	
6.	Cohen, Leonard N.	12-24-1978	
7.	Heilbrun, David G.	04-01-1974	
8.	Herzog, Frederick C.	07-01-1979	
9.	Holmes, Roger B.	01-18-1976	
10.	Jenson, James S.	10-01-1972	
11.	Kennedy, Harold A.	02-13-1977	
12.	Kennedy, James M. III	05-30-1976	
13.	Kleiman, Jesse	02-26-1978	
14.	Litvack, Burton	08-13-1979	
15.	McDonald, David P.	04-08-1979	
16.	Miller, Maurice M.	04-07-1945	
17.	Myatt, Gordon J.	01-16-1966≡	
18.	Nelson, Timothy D.	09-05-1978	
19.	Pannier, William J. III	08-12-1974	
20.	Pollack, Jay R.	12-4-1979	
21.	Robbins, Earledean V. S.	3-31-1974	
22.	Shapiro, Jerrold H.	03-05-1972	
23.	Schmidt, William L.	12-03-1979	
24.	Stevens, Russell L.	08-05-1973	
25.	Stevenson, Michael D.	04-20-1979	
26.	Taplitz, Richard D.	06-17-1968	
27.	Wacknov, Gerald A.	07-04-1976	
28.	Wieder, Joan	07-16-1978	

NEW YORK OFFICE		
1.	Bennett, Edwin H.	09-16-1979
2.	Biblowitz, Joel P.	06-01-1980
3.	Cohn, Julius	04-14-1974
4.	Edelman, Howard	12-03-1979
5.	Fish, Steven B.	09-16-1979
6.	Green, Raymond P.	09-16-1979
7.	Herman, Arthur A.	09-16-1979
8.	MacDonald, Eleanor S.	01-07-1980
9.	Morio, Winifred	01-04-1981
10.	Morris, D. Barry	06-15-1980
11.	Morton, James F.	09-16-1979
12.	Snyder, Robert T.	05-04-1980
13.	Trunkes, Thomas T.	05-04-1981
ATLANTA OFFICE		
1.	Batson, Robert C.	<b>04-03-1977</b>
2.	Brandon, Hutton S.	06-08-1977
3.	Cates, William N.	06-01-1980
4.	Cullen, Lawrence W.	11-09-1980
5.	Gritta, Robert A.	08-27-1978
6.	Grossman, Howard I.	05-04-1980
7.	Linton, Richard J.	07-13-1980
8.	McLeod, Philip P.	01-12-1981
9.	Robertson, J. Pargen	11-14-1978

### 11. The Division Roster of January 27, 1983

Not quite 2 years later, the January 1983 alphabetical roster also has a total of 111 names. The additions and subtractions, as compared with the 1981 list, are as follows:

Retiring or otherwise departing from the DC office were these six judges: Robert Cohn, Henry L. Jalette, John C. Miller, Almira Stevenson, Jerry B. Stone, and Charles M. Williamson.

Similarly, from San Francisco, Martin S. Bennett, Leonard N. Cohen (transferred to the ATL office and is listed there), and David P. McDonald. (McDonald's name actually appears on the 1983 list crossed out. It appears that he departed earlier, but the list was prepared with his name, and then his name was lined through.)

New judges arrived as follows, with their EOD dates drawn from the ABC List. The symbol ≈ is explained in the Preface to the ABC List under the



subsection for the Deeming process, respecting the various symbol numbers. Thus, Judge Pope's EOD date is deemed on the basis there described.

### DC Office

	<u>Name</u>	<u>EOD Date</u>	
1.	Alprin, Walter J.	7-26-1981	
2.	Beddow, Richard H. Jr.	7-26-1981	
3.	Charno, Steven M.	9-6-1981	
4.	Kolko, Burton S.	9-6-1981	
5.	Linsky, Martin J.	9-8-1981	
6.	Pope, William A.	9-6-1981~	See Preface

At SF, no new judges. NY received two, Judges Steven Davis and Harold B. Lawrence, both with an EOD date of 7-26-1981. No new judges were assigned to ATL, but that office did receive Judge Leonard Cohen as a transfer from the SF office. Judge Cohen arrived there in April 1981.

The Chief Judge was Melvin J. Welles, with David S. Davidson the Deputy Chief Judge and, at DC, John M. Dyer the Associate Chief Judge. At SF, James T. Barker was the Deputy Chief Judge and William J. Pannier III the Associate Chief Judge. At NY, Edwin Bennett was the Associate Chief Judge, and at ATL the Associate Chief Judge was Hutton Brandon. (Unlike most rosters, this one has inked notations reflecting such designations.)

## 12. Virginia Beach Conference of September 1985

In September 1985 the Division held a training conference at the Cavalier Hotel in Virginia Beach, Virginia. A group photo and roster of available attendees appears below. Of the 88 persons pictured, 85 are judges:



**NOTE:** The three persons in the photo who are not judges: Eleanor Harvey, Row C position 1 (General Counsel's Office of Employee Development); Joann McIntosh, Row C position 17 (Judges Division, Administrative Officer); and Chester Cooke, Row D position 15 (Judges Division, Staff Assistant).

The row divisions set forth below follow the pattern shown on the November 1, 1985 "corrected" copy of the Division's roster identifying those in the picture. As one looks at the photo, it is apparent that, after the front row, the other rows are staggered to some extent. It helps to follow the ID path taken if one recognizes some of the faces along the way.

Apparently to keep Row D (the Division's copy gives numbers to the rows but not to the positions) from being too staggered, the Division copy added the final row, that being Row E (Top) here. It starts with Judge David Heilbrun who can be seen above the head of Judge J. Pargen Robertson and between the faces of Judges Stephen Gross and Burton Kolko. Next comes Judge James Morton, just to the left of the second white column, who is seen looking over the right shoulder of Judge Richard Boyce. Then just to the right of the same white column is the tallest judge in the photo, Philip McLeod. Moving all the way over to the next white column, on the left side (as we face the photo), and standing behind and between Chester Cooke and Judge

Giannasi, we see Judge Wallace Nations, and on the right side of the column, Judge John West. (All are DC judges except for those designated otherwise.) Judge Welles is the Chief Judge.

## ROW A (Front)

1.	Howard Edelman	NY	11.	Melvin J. Welles	
2.	Harold B. Lawrence	NY	12.	John M. Dyer	
3.	Norman Zankel		13.	William J. Pannier III	SF
4.	Nancy Sherman		14.	Irwin Kaplan	
5.	Eleanor S. McDonald	NY	15.	Steven Davis	NY
6.	Thomas A. Ricci		16.	James M. Kennedy III	SF
7.	Michael O. Miller		17.	Bruce Nasdor	
8.	Edwin A. Bennett	NY	18.	George Christensen	SF
9.	Hutton S. Brandon	A	19.	Julius Cohn	
10.	David S. Davidson				

## ROW B

1.	Burton Litvack	SF	12.	Robert T. Snyder	NY
2.	Leonard Wagman		13.	James S. Jenson	SF
3.	Richard J. Linton	A	14.	Richard H. Beddow Jr.	
4.	Thomas E. Bracken		15.	Elbert D. Gadsden	
5.	Gerald A. Wacknov	SF	16.	Frank H. Itkin	
6.	William A. Pope		17.	Irwin H. Socoloff	
7.	Timothy D. Nelson	SF	18.	Clifford H. Anderson	SF
8.	Joan Wieder	SF	19.	Richard D. Taplitz	SF
9.	Mary E. Benard		20.	Hubert E. Lott	
10.	Joel A. Harmatz		21.	Richard A. Scully	
11.	Raymond P. Green	NY	22.	Howard I. Grossman	A

## ROW C

1.	Eleanor Harvey		11.	Thomas Johnston	
2.	James L. Rose		12.	Bernard Ries	
3.	D. Barry Morris	NY	13.	Gordon J. Myatt	SF
4.	Robert Leiner		14.	Michael D. Stevenson	SF
5.	Robert A. Gritta	A	15.	William Gershuny	
6.	William Jacobs		16.	Peter E. Donnelly	
7.	Arline Pacht		17.	Joann E. McIntosh	
8.	Earldean V. S. Robbins	SF	18.	William L. Schmidt	SF
9.	William N. Cates	A	19.	Lowell M. Goerlich	
10.	Marvin Roth				

## ROW D

1.	Lawrence W. Cullen	A	13.	Marion C. Ladwig	
2.	Harold Bernard Jr.		14.	David L. Evans	
3.	Joel P. Biblowitz	NY	15.	Chester Cooke	
4.	Robert G. Romano		16.	Robert A. Giannasi	
5.	Steven B. Fish	NY	17.	Walter J. Alprin	
6.	Stephen Gross		18.	Russell King Jr.	
7.	J. Pargen Robertson	A	19.	Harold A. Kennedy	SF
8.	Burton S. Kolko		20.	Roger B. Holmes	SF
9.	Richard J. Boyce	SF	21.	Frederick C. Herzog	SF
10.	Robert Schwarzbart		22.	Thomas R. Wilks	
11.	Martin J. Linsky		23.	George McInerny	
12.	Karl Buschmann				

## ROW E (Top)

1.	David G. Heilbrun	SF	4.	Wallace A. Nations	
2.	James F. Morton	NY	5.	John H. West	
3.	Philip P. McLeod	A			

**FURTHER NOTE:** Respecting Judge Mary Ellen R. Benard (EOD 11-23-1980), listed above for row B, position 9, sometime after this conference, she married. Thereafter, she switched from using her maiden name of Benard in her decisions (as at 287 NLRB 1299; JD 5-8-1986) to her married name of Bittner (as given at 287 NLRB 796; JD 4-3-1987). Before the January 1992 Judges Roster, reproduced below, Judge Mary Ellen R. Bittner left the Agency for a judge's position in another Federal agency. Because her name of "Benard" appears above and on the March 1981 roster, given earlier, in the ABC and EOD lists that conclude this paper, that name is still shown for her, but with her married name of "Bittner" following in parentheses.

**13. Ellenville Conference of May 1990**

The next conference conducted by the Division was held in Ellenville, New York in May 1990. As reflected by the January 1992 Division Roster, the staff of judges was down to 81 — 44 in DC, 18 in SF, 11 in NY, and 8 in ATL. A group photo and roster of available attendees appears below. Of the 60 persons pictured, 53 are judges:



**NOTE:** The seven attendees not judges are: Chester B. Cooke, row A, position 1 (Staff Assistant, NLRB Judges Division); Samuel M. Kaynard, row C, position 2 (Regional Director (retired) of NLRB Region 29, Brooklyn, New York); Mary M. Cracraft, row C, position 8 (Board Member); John C. Truesdale, row C, position 9 (NLRB Executive Secretary); Franklin Moss, row C, position 11 (tentative identification; an attorney representing labor); John E. Higgins Jr., row C, position 12 (NLRB Solicitor); and Eleanor Harvey, row D, position 1 (General Counsel's Office of Employee Development).

Respecting the guests Samuel Kaynard and Franklin Moss, Ellie Harvey reports that the training sessions had a panel that "starred" Sam Kaynard representing management's perspective, and Franklin Moss, a labor attorney, representing labor's perspective. [And such is reflected in the printed Agenda for the conference.] She thinks that this is Franklin Moss, although she cannot be certain. Judge Welles is the Chief Judge. In the September 2000 issue of the Agency's *All Aboard* newsletter, at 7, there is an article about Sam Kaynard, with his photograph. Sadly, as the article reports, Sam Kaynard passed away in September 1997.

### ROW A (Top)

- |    |                  |     |                       |
|----|------------------|-----|-----------------------|
| 1. | Chester B. Cooke | 8.  | Raymond P. Green      |
| 2. | Steven B. Fish   | 9.  | Richard H. Beddow Jr. |
| 3. | Howard Edelman   | 10. | Harold Bernard Jr.    |

- |    |                    |     |                    |
|----|--------------------|-----|--------------------|
| 4. | Robert T. Snyder   | 11. | Joel A. Harmatz    |
| 5. | William L. Schmidt | 12. | Lowell M. Goerlich |
| 6. | James F. Morton    | 13. | Joel P. Biblowitz  |
| 7. | Timothy D. Nelson  |     |                    |

### ROW B

- |     |                      |     |                      |
|-----|----------------------|-----|----------------------|
| 1.  | David L. Evans       | 11. | Nancy Sherman        |
| 2.  | Marion C. Ladwig     | 12. | Irwin Kaplan         |
| 3.  | D. Barry Morris      | 13. | Eleanor S. MacDonald |
| 4.  | J. Pargen Robertson  | 14. | Steven Davis         |
| 5.  | William A. Pope      | 15. | Michael O. Miller    |
| 6.  | Stephen Gross        | 16. | Jay R. Pollack       |
| 7.  | Joan Wieder          | 17. | Howard I. Grossman   |
| 8.  | Gerald A. Wacknov    | 18. | Lawrence W. Cullen   |
| 9.  | Clifford H. Anderson | 19. | Robert C. Romano     |
| 10. | Norman Zankel        | 20. | Philip P. McLeod     |

### ROW C

- |    |                       |     |                     |
|----|-----------------------|-----|---------------------|
| 1. | Marvin Roth           | 8.  | Mary M. Cracraft    |
| 2. | Samuel M. Kaynard     | 9.  | John C. Truesdale   |
| 3. | Edwin H. Bennett      | 10. | William N. Cates    |
| 4. | John M. Dyer          | 11. | Franklin Moss       |
| 5. | David S. Davidson     | 12. | John E. Higgins Jr. |
| 6. | Earldean V.S. Robbins | 13. | Donald R. Holley    |
| 7. | Melvin J. Welles      | 14. | Martin J. Linsky    |

### ROW D

- |    |                    |     |                      |
|----|--------------------|-----|----------------------|
| 1. | Ellie Harvey       | 8.  | Karl Buschmann       |
| 2. | Robert Schwarzbart | 9.  | Peter E. Donnelly    |
| 3. | Russell King Jr.   | 10. | James M. Kennedy III |
| 4. | Robert A. Giannasi | 11. | Robert T. Wallace    |
| 5. | Wallace H. Nations | 12. | Richard J. Linton    |
| 6. | David G. Heilbrun  | 13. | Benjamin Schlesinger |
| 7. | James L. Rose      |     |                      |

And here is a cropped version of a photo, taken at the same conference, of the Chiefs (Chief Judge Mel Welles and Deputy Chief Judge Dave Davidson) with the “foot soldiers” who put it all together: Conference Coordinator Ellie Harvey; Judge Robert Giannasi who served as Coordinator for the judges and who worked directly with Ellie; and Staff Assistant Chester Cooke. Sadly, Chester Cooke died on August 17, 1998, at the young age of 50.



An “In Memoriam” article on his passing appears in the September 1998 issue [Vol. 5 #2] at 4, of *All Aboard*.



#### 14. The Division Roster of January 1992

Responding to the lower caseload, the Division fortunately, and skillfully, avoided the layoffs seen in earlier years by refraining from hiring new judges and letting normal attrition reduce the staff numbers. By January 1992, the Division’s staff was down to 81 judges (44 at DC; 18 at SF; 11 at NY; and 8 at ATL). Since the roster of January 17, 1983, the Division had lost 30 judges, with none hired (at least, none that made it to the January 1992 roster). Of the 30 lost to retirement, death, or in some other way, 17 had been with DC; 6 with SF (plus one, Judge Jesse Kleiman, who transferred to NY); 5 with NY; and 2 with ATL (one being from the untimely death of Judge Leonard N. Cohen). As shown on the Division’s alphabetical roster (no EOD dates) of January 1992, the remaining 81 named judges were:

The Division Roster of January 1992			
Washington, DC Office			
1.	Beddow, Richard H. Jr.	23.	Maloney, Walter H. Jr.
2.	Bernard, Harold Jr.	24.	McInerny, George
3.	Buschmann, Karl	25.	Miller, Michael O.
4.	Charno, Stephen M.	26.	Nasdor, Bruce
5.	Davidson, David S.	27.	Nations, Wallace H.
6.	Donnelly, Peter E.	28.	Pacht, Arline
7.	Dyer, John M.	29.	Pope, William A.
8.	Evans, David L.	30.	Ries, Bernard
9.	Gadsden, Elbert D.	31.	Romano, Robert G.
10.	Giannasi, Robert A.	32.	Rose, James

11. Goerlich, Lowell M.	33. Roth, Marvin
12. Gross, Stephen J.	34. Schlesinger, Benjamin
13. Harmatz, Joel A.	35. Schwarzbart, Robert
14. Holley, Donald R.	36. Scully, Richard A.
15. Itkin, Frank H.	37. Sherman, Nancy
16. Jacobs, William	38. Socoloff, Irwin H.
17. Kaplan, Irwin	39. Wagman, Leonard M.
18. King, Russell Jr.	40. Wallace, Robert T.
19. Ladwig, Marion C.	41. Welles, Melvin J.
20. Leiner, Robert	42. West, John H.
21. Linsky, Martin J.	43. Wilks, Thomas R.
22. Lott, Hubert E.	44. Wolfe, Claude R.

San Francisco Office	
1. Anderson, Clifford H.	10. Nelson, Timothy D.
2. Boyce, Richard J.	11. Pannier, William J. III
3. Christensen, George	12. Pollack, Jay R.
4. Heilbrun, David G.	13. Robbins, Earledean V. S.
5. Herzog, Frederick C.	14. Schmidt, William L.
6. Jenson, James S.	15. Shapiro, Jerrold H.
7. Kennedy, James M. III	16. Stevenson, Michael D.
8. Litvack, Burton	17. Wacknov, Gerald A.
9. Myatt, Gordon J.	18. Wieder, Joan
New York Office	Atlanta Office
1. Bennett, Edwin H.	1. Batson, Robert C.
2. Biblowitz, Joel P.	2. Cates, William N.
3. Davis, Steven	3. Cullen, Lawrence W.
4. Edelman, Howard	4. Gritta, Robert A.
5. Fish, Steven B.	5. Grossman, Howard I.
6. Green, Raymond P.	6. Linton, Richard J.
7. Kleiman, Jesse	7. McLeod, Philip P.
8. MacDonald, Eleanor S.	8. Robertson, J. Pargen
9. Morris, D. Barry	
10. Morton, James F.	
11. Snyder, Robert T.	



### 15. The Division Roster of March 1999

On this roster, as shown here, we see that the number of the Division's judges is at the new level of 58. On the original copy, however, the total is 60. The difference is that the original, apparently for internal administrative information, has included two judges whose arrival is anticipated (Judges Paul Bogas and Jane Vandeventer), and also included the future retirement dates (for the year 2000) of two, Judges Stephen Gross and Robert Wallace. That data is not reproduced on the copy below. The actual roster does not show the EOD dates. The latter are included below.

Judge Steven M. Charno first appears as a DC judge on the January 1983 roster and again in the 1992 roster just above. He transferred to the SF office in December 1997, and is included as a SF judge on the roster of May 1999 (not reproduced in this paper), but is not included on the original of this March 1999 roster. He is included on the version here under the SF office. He retired 12-31-1999. At times the rosters do not give the middle initial or suffix for a name. For example, the actual March 1999 roster renders it "James Rose" without the middle initial that he uses on his decisions. The latter is shown here, and on the ABC List later in this paper. Similarly as to Judge Earl E. Shamwell Jr.

Finally, this roster marks the beginning of a reasonably frequent supply of Division rosters, at least in terms of copies that have been preserved. Stated differently, beginning with this roster, the frequency of the rosters hereafter, and their preservation, makes it unlikely that any new judges can arrive and leave without his or her name appearing on at least one roster.

The Division Roster of March 1999		
Washington, DC Office		
	Name	EOD Date
1.	Aleman, George	1-22-1995
2.	Amchan, Arthur	9-1-1996
3.	Beddow, Richard H. Jr.	7-26-1981
4.	Buschmann, Karl	9-28-1975
5.	Evans, David L.	7-3-1978
6.	Fine, Eric M.	3-29-1999
7.	Giannasi, Robert A.	5-2-1976
8.	Gross, Stephen J.	5-20-1979
9.	Hermele, Jerry M.	5-25-1997
10.	Kern, Margaret	1-5-1997
11.	Kocol, William	9-15-1996
12.	Ladwig, Marion C.	1-17-1966
13.	Linsky, Martin J.	9-8-1981

14.	Miserendino, C. Richard	9-1-1996
15.	Nations, Wallace H.	1-18-1981
16.	Pannier, William J. III	8-12-1974
17.	Rose, James L.	10-5-1975
18.	Rosenstein, Bruce D.	1-5-1997
19.	Schlesinger, Benjamin	7-18-1978
20.	Schwarzbart, Robert M.	3-16-1975
21.	Scully, Richard A.	1-18-1981
22.	Shamwell, Earl E. Jr.	1-19-1997
23.	Sherman, Nancy M.	1-23-1972
24.	Socoloff, Irwin H.	5-2-1976
25.	Wagman, Leonard M.	2-12-1973
26.	Wallace, Robert T.	1-18-1981
27.	West, John H.	1-18-1981
28.	Wilks, Thomas R.	2-1-1976

San Francisco Office		
	Name	EOD Date
1.	Anderson, Clifford H.	1-2-1980
2.	Charno, Steven M.	9-6-1981
3.	Cracraft, Mary M.	1-22-1995
4.	Herzog, Frederick C.	7-1-1979
5.	Kennedy, James M. III	5-30-1976
6.	Litvack, Burton	8-13-1979
7.	Metz, Albert A.	1-22-1995
8.	Nelson, Timothy D.	9-5-1978
9.	Pollack, Jay R.	12-4-1979
10.	Schmidt, William L.	12-3-1979
11.	Stevenson, Michael D.	4-20-1979
12.	Wacknov, Gerald A.	7-14-1976
13.	Wieder, Joan	7-16-1978

New York Office		Atlanta Office	
Name	EOD Date	Name	EOD Date
1. Biblowitz, Joel P.	6-1-1980	1. Carson, George	9-1-1996
2. Davis, Steven	7-26-1981	2. Cates, William N.	6-1-1980
3. Edelman, Howard	12-3-1979	3. Cullen, Lawrence W.	11-9-1980
4. Fish, Steven B.	9-16-1979	4. Grossman, Howard I.	5-4-1980
5. Green, Raymond P.	9-16-1979	5. Linton, Richard J.	7-13-1980
6. Kleiman, Jesse	2-26-1978	6. Locke, Keltner	1-19-1997
7. MacDonald, Eleanor S.	1-7-1980	7. McLeod, Philip P.	1-12-1981
8. Marcionese, Michael	2-2-1997	8. Robertson, J. Pargen	11-14-1978
9. Morris, D. Barry	6-15-1980		

### 16. Reno Conference of May 2000

Following the Ellenville conference, the next training conference conducted by the Division was held in Reno, Nevada in May 2000. The May 1999 Division Roster reflects a staff of 59 judges (28 in DC, 13 in SF, 10 in NY, and 8 in ATL). Toward the close of the conference, a group photo was taken. Of the 56 persons in the photo, 53 are judges.

Robert A. Giannasi was the Chief Judge. A copy of the photo appears below (courtesy of DeCapua's Photography of Reno, Nevada):



## **IDS OF JUDGES IN GROUP PHOTO AT RENO CONFERENCE OF MAY 2000**

(Because some rows of judges were in a staggered formation, the ID process here sometimes follows an up/down sequence. IDs are left to right. Three are not judges, with “Ellie” in the bottom row being Eleanor Harvey, the project coordinator from the General Counsel’s Office of Employee Development, or OED.) Judge Giannasi is the Chief Judge.

### **TOP TWO ROWS**

**1.** Metz Fine Wieder McLeod Rose Shamwell Evans Schwarzbart  
Cates Wagman Green Cracraft Herzog Kennedy Nations  
Linsky Beddow Ladwig [Elizabeth Francis, Judicial Writing  
lecturer] Kocol West

### **MIDDLE ROW**

**22.** Giannasi Nelson Hermele Bogas Robertson Scully Cullen  
Buschmann Carson Grossman Vandeventer

**NEXT TO BOTTOM**

33. Locke Linton Fish Patton Edelman Miserendino Morris Pollack  
Pannier Amchan

**BOTTOM ROW**

43. Kern Davis MacDonald Sherman Marcionese Aleman Rosenstein  
Litvack Stevenson Wacknov Anderson Schmidt Ellie [Mitchell  
Wright, with NJC]

As with the names listed in the rows above, names are listed in the following table, across the page, so as to correspond to those in the photo from the top (moving left to right) to the bottom. As stated above, because some rows of judges were in a staggered formation, the ID process sometimes follows an up/down sequence. With the names in the photo so numbered, the first judge in each of the four rows (top two rows grouped as one) becomes:

Judge Metz is 1, Chief Judge Giannasi is 22, Judge Locke is 33, and Judge Kern is 43.

The first number given in the table below is the sequence in the table. Next comes the judge's name, followed by the judge's position number on the ABC list supplied by the NJC. There are 56 persons in the photo, with 53 being judges. The ABC list of the (judge) participants furnished by the college lists the names of the 53 judges, although the names are not numbered.

The three persons in the photo besides the judges are, in position 19, Elizabeth Francis (Judicial Writing teacher), Ellie Harvey in position 55, and, in position 56, Mitchell Wright, the NJC's project manager for the Reno Conference.

**TOP TWO ROWS**

1.	Albert A. Metz	32	2.	Eric M. Fine	14
3.	Joan Wieder	53	4.	Philip P. McLeod	31
5.	James Rose	41	6.	Earl E. Shamwell Jr.	46
7.	David L. Evans	13	8.	Robert M. Schwarzbart	44
9.	William N. Cates	9	10.	Leonard M. Wagman	51
11.	Arthur J. Amchan	2	12.	Mary Miller Cracraft	12
13.	Frederick C. Herzog	20	14.	James M. Kennedy III	21
15.	Wallace H. Nations	35	16.	Martin J. Linsky	25
17.	Richard H. Beddow	4	18.	Marion C. Ladwig	24
19.	Elizabeth Francis	College	20.	William G. Kocol	23
21.	John H. West	52			

MIDDLE ROW			
22.	Robert A. Giannasi	16	23. Timothy D. Nelson 36
24.	Jerry M. Hermele	19	25. Paul Bogas 5
26.	Pargen Robertson	40	27. Richard A. Scully 45
28.	Lawrence W. Cullen	10	29. Karl H. Buschmann 6
30.	George Carson II	7	31. Howard I. Grossman 18
32.	Jane Vandeventer	49	
NEXT TO BOTTOM			
33.	Keltner W. Locke	28	34. Richard J. Linton 26
35.	Steven Fish	15	36. Thomas M. Patton 38
37.	Howard Edelman	12	38. C. Richard Miserendino 33
39.	D. Barry Morris	34	40. Jay R. Pollack 39
41.	William J. Pannier III	37	42. Arthur J. Amchan 42
BOTTOM ROW			
43.	Margaret M. Kern	22	44. Steven W. Davis 11
45.	Eleanor MacDonald	29	46. Nancy M. Sherman 47
47.	Michael A. Marcionese	30	48. George Aleman 1
49.	Bruce D. Rosenstein	42	50. Burton N. Litvack 27
51.	Michael D. Stevenson	48	52. Gerald A. Wacknov 50
53.	Clifford H. Anderson	3	54. William L. Schmidt 43
55.	Ellie Harvey	OED	56. Mitchell Wright College

### 17. The Division Roster of September 2001

Comparing the Division rosters of January 1992 (a total of 81 judges) with that of September 2001 (a total of 59 judges), we see, in rather graphic image, the extent of the “changing of the guard,” and not simply because the total number reflects fewer judges. Indeed, the Division even saw a need to hire new judges in the interim: 13 new judges at DC (not counting Judge William Pannier III who, when he moved to Illinois and began working from his home, thereby transferred from SF to DC); Thus, of the 44 named judges in the DC office in 1992, some 70.45 percent (31 judges) are gone by the time of the 2001 roster.

The change is nearly as dramatic at San Francisco. There, 11 of 18 judges, or some 61.11 percent, have departed (including Judge Pannier who transferred to DC), and 6 new judges have arrived (not counting Judge James Rose who transferred to SF from DC). At SF, Judge Lana Parke’s name

includes here (but not on the actual roster), and elsewhere in the paper, her middle initial as she does in her decisions.

At New York the change was not as dramatic, with two leaving and one new judge arriving. Atlanta had a significant change, with two judges retiring and four new judges arriving.

In the roster that follows, EOD dates are shown for the new judges only:

<b>The Division Roster of September 2001</b>		
<b>Washington, DC Office</b>		
<b>Name</b>		<b>EOD Date</b>
1.	Aleman, George	3-7-2000
2.	Amchan, Arthur	
3.	Beddow, Richard H. Jr.	
4.	Bogas, Paul A.	6-4-2001
5.	Buschmann, Karl	7-31-2000
6.	Buxbaum, Paul	
7.	Clark, John T.	
8.	Evans, David L.	12-31-2000
9.	Fine, Eric M.	
10.	Giannasi, Robert A.	
11.	Hermele, Jerry M.	
12.	Kern, Margaret	
13.	Kocol, William	
14.	Ladwig, Marion C.	
15.	Linsky, Martin J.	
16.	Miserendino, C. Richard	
17.	Nations, Wallace H.	
18.	Pannier, William J. III	
19.	Pulcini, Robert A.	
20.	Rosenstein, Bruce D.	
21.	Schlesinger, Benjamin	
22.	Schwarzbart, Robert	
23.	Scully, Richard A.	
24.	Shamwell, Earl E. Jr.	
25.	Socoloff, Irwin H.	
26.	Wagman, Leonard M.	
27.	West, John H.	

San Francisco Office				
Name		EOD Date		
1.	Anderson, Clifford H.	12-31-2000		
2.	Cracraft, Mary M.			
3.	Kennedy, James M. III			
4.	Litvack, Burton			
5.	McCarrick, John J.			
6.	Metz, Albert	6-3-2001		
7.	Meyerson, Gregory Z.	9-5-2000		
8.	Parke, Lana H.	7-4-1999		
9.	Patton, Thomas M.			
10.	Pollack, Jay R.			
11.	Rose, James L.			
12.	Schmidt, William L.			
13.	Stevenson, Michael D.			
14.	Wacknov, Gerald A.			
New York Office		Atlanta Office		
Name	EOD Date	Name	EOD Date	
1.	Biblowitz, Joel P.	1.	Brakebusch, Margaret G. 6-4-2001	
2.	Davis, Steven	2.	Carson, George	
3.	Edelman, Howard	3.	Cates, William N.	
4.	Fish, Steven B.	4.	Cullen, Lawrence W.	
5.	Green, Raymond P.	5.	Linton, Richard J.	
6.	Kleiman, Jesse	6.	Locke, Keltner	
7.	MacDonald, Eleanor S.	7.	McLeod, Philip P.	
8.	Marcionese, Michael	8.	Robertson, J. Pargen	
9.	Morris, D. Barry	9.	Vandeventer, Jane 9-12-1999	

### 18. At the Third Millennium

Now in the new Millennium, and 2 months after the Division roster of September 2001, after two retirements (one DC judge and one Atlanta judge), the Division roster was down to 57.

After more judges retired, the Division added two judges, Ira Sandron and Mark Rubin, as announced by separate press releases dated 9-19-2002 (R-2459) and 11-6-2002 (R-2463), respectively. The November 6, 2002 press release by the Agency, stated that the appointment of Judge Rubin brought “the number of Board judges to 54 nationwide.” Judge Joseph Gontram arrived on January 13, 2003, with the appointment announced by a press release (R-2472)



dated January 10, 2003. The arrival of Judge Michael Rosas (EOD August 25, 2003) was announced by a September 2, 2003 press release, R-2504.

The press releases for these new judges are posted at the Board's website, [www.nlr.gov](http://www.nlr.gov); click on Press Releases on the left side. At the moment, the Board's revised website has only the current year of press releases in chronological order. For prior years, it usually is necessary to type in a name, press release number, date, or some other identifying key to bring up a specific press release.

### 19. The Division Roster of March 2004

On the roster that follows (which continues valid through at least late June 2004), we see that the total count for the Division's judges now stands at 51.

The Division Roster of March 2004	
<b>Chief Judge:</b>	<b>Robert A. Giannasi</b>
<b>Deputy Chief Judge:</b>	<b>Richard A. Scully</b>
WASHINGTON, DC OFFICE	
NAME	EOD DATE
1. Aleman, George	1-22-1995
2. Amchan, Arthur	9-1-1996
3. Bogas, Paul A.	3-7-2000
4. Buschmann, Karl	9-28-1975
5. Buxbaum, Paul	6-4-2001
6. Clark, John T.	7-31-2000
7. Evans, David L.	7-3-1978
8. Fine, Eric M.	3-29-1999
9. Giannasi, Robert A.	5-2-1976
10. Gontram, Joseph M.	1-13-2003
11. Kern, Margaret	1-5-1997
12. Kocol, William	9-15-1996
13. Linsky, Martin J.	9-8-1981
14. Miserendino, C. Richard	9-1-1996
15. Nations, Wallace H.	1-18-1981
16. Rosas, Michael A.	8-25-2003
17. Rosenstein, Bruce D.	1-5-1997
18. Rubin, Mark	11-04-2002
19. Sandron, Ira	9-16-2002
20. Schlesinger, Benjamin	7-18-1978
21. Scully, Richard A.	1-18-1981
22. Shamwell, Earl E. Jr.	1-19-1997
23. Vandeventer, Jane	9-12-1999

<b>San Francisco Office</b>			
<b>Associate Chief Judge:</b>		<b>William L. Schmidt</b>	
<b>Name</b>		<b>EOD Date</b>	
1. Anderson, Clifford H.		1-2-1980	
2. Cracraft, Mary M.		1-22-1995	
3. Kennedy, James M. III		5-30-1976	
4. Litvack, Burton		8-13-1979	
5. McCarrick, John J.		12-31-2000	
6. Metz, Albert A.		1-22-1995	
7. Meyerson, Gregory Z.		6-3-2001	
8. Parke, Lana H.		9-5-2000	
9. Patton, Thomas M.		7-4-1999	
10. Pollack, Jay R.		12-4-1979	
11. Rose, James L.		10-5-1975	
12. Schmidt, William L.		12-3-1979	
13. Wacknov, Gerald A.		7-14-1976	
<b>New York Office</b>		<b>Atlanta Office</b>	
<b>Associate Chief Judge:</b>		<b>Associate Chief Judge:</b>	
<b>Joel P. Biblowitz</b>		<b>William N. Cates</b>	
<b>Name</b>	<b>EOD Date</b>	<b>Name</b>	<b>EOD Date</b>
1. Biblowitz, Joel P.	6-1-1980	1. Brakebusch, Margaret G.	6-4-2001
2. Davis, Steven	7-26-1981	2. Carson, George	9-1-1996
3. Edelman, Howard	12-3-1979	3. Cates, William N.	6-1-1980
4. Fish, Steven B.	9-16-1979	4. Cullen, Lawrence W.	11-9-1980
5. Green, Raymond P.	9-16-1979	5. Locke, Keltner	1-19-1997
6. MacDonald, Eleanor S.	1-7-1980	6. Marcionese, Michael	2-2-1997
7. Morris, D. Barry	6-15-1980	7. Robertson, J. Pargen	11-14-1978
		8. West, John H.	1-18-1981